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"Allowing Fears To Overwhelm Us":
A Re-Examination of the House Special Committee on
Un-American Activities, 1938–1944

by

Nancy Lopez

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ABSTRACT

"Allowing Fears To Overwhelm Us":
A Re-Examination of the House Special Committee on
Un-American Activities, 1938-1944

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In 1938, the House of Representatives authorized a special committee to
investigate subversive or "un-American" propaganda. Popularly known as the
Dies Committee after its chairman Martin Dies, this special committee was the
progenitor of the most notorious legislative investigating committee in the history
of Congress, the House Un-American Activities Committee. It was widely
criticized in its own time, and by the majority of historians since, for its lax
procedures, including a reliance on hearsay, unsupported information, and
biased witnesses. The Committee also attempted to smear liberals and
organized labor by associating them with radical organizations. During its first
year, Dies' goal was seemingly to undermine the New Deal by claiming that the
Roosevelt Administration and various New Deal agencies were riddled with
Communists.
Examination of the Committee's records suggests strongly that the foregoing criticisms were warranted. But to assess better the work of the Dies Committee, it is necessary to grapple with the fact that regardless of its motives and procedural inadequacies, in many instances its claims of Communist infiltration of New Deal agencies and the CIO were true. This dissertation examines the procedural and evidentiary standards under which the Dies Committee operated in an effort to address the question whether the lack of consistent application of these standards mattered when the investigation's conclusions were generally correct.

The Committee's partisanship and willingness to used dubious evidence raised doubts about its claims of subversion in government and labor among the group whom it needed to convince—those in the Washington power structure. This issue is of heightened relevance given recent scholarship showing that the Soviet Union had funded and supervised an extensive espionage network in the United States during the 1930s. But as long as the Committee accepted rumor and conjecture it would fail to prove its case. Ultimately, the Committee's procedural lapses served only to undermine its own credibility.
Acknowledgments

Completing a doctoral dissertation is an enormous undertaking, and while I had no problem cranking out five hundred pages on the Dies Committee, I find words wholly inadequate to express my gratitude to those who helped along the way. I will, nevertheless, make the attempt.

I am grateful for the assistance rendered by the professional staffs of the archives that I visited. Time spent in the archives is the best part of the research process and I enjoyed the variety of institutions, large and small, to which this dissertation took me. The staffs of the Sam Houston Regional Library, the American Jewish Archives, the Franklin D. Roosevelt Library, and the National Archives and Records Administration were all knowledgeable, friendly and eager to help.

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This dissertation benefited from the suggestions, advice and generosity of Rice University faculty members Ira Gruber, Richard Wolin, Allen Matusow and Robert Stein. Seminar colleagues Steve Wilson, Jon Singer, Maria Anderson, Barb Finch, Elaine Thompson and Carlos Blanton offered insight, criticisms, and levity along the way. I would particularly like to thank Steve Wilson whose
engineer's brain was particularly adept at sifting through the details and honing in on mistakes. Annoying though it may have been at times, he kept me honest.

For their love and support I am indebted to my parents, Ramon and Brunelda Lopez, and my sisters, Beatrice Terry and Lisa Bonassin, and their families. My parents, to their lasting credit, didn't balk when I decided to follow law school with graduate school, and I have no doubt they will be equally supportive of my future plans to seek employment as a Wyoming river guide. As for my sisters and their families, oh, sure, they may have provided less support than, say, incessant ribbing, but I wouldn't have it any other way. No, really.

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Credit for the maintenance of my sanity, such as it is, goes to Lisa Wannemacher. I highly recommend that other "special needs" doctoral candidates find a Lisa Wannemacher of their own. I could not have completed this dissertation without her.

Finally, I cannot begin to express my gratitude to Ferne and Harold Hyman. A charming dinner companion and excellent sushi chef, Ferne was always supportive and remarkably tolerant of the regular invasion of her home by seminar students. As for Harold, he suggested the topic, kept cracking the whip to keep me working, and with what must be a lifetime supply of red pencils, made me a better writer in the process. I will miss his insightful comments ("No! No!"
No!" being my favorite) and the occasional disapproving skull and crossbones with which he decorated the margins of my work. Without him I would be a passive-voiced, infinitive-splitting wreck. It has been my great privilege to have been his student.
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Introduction

The congressional investigation can be an instrument of freedom. Or it can be freedom’s scourge. A legislative inquiry can serve as the tool to pry open the barriers that hide governmental corruption. It can be the catalyst that spurs Congress and the public to support vital reforms in our nation’s laws. Or it can debase our principles, invade the privacy of our citizens, and afford a platform for demagogues and the rankest partisans.

Watergate Committee Chair, Senator Sam J. Ervin\(^1\)

The Chair wishes to make it plain that this committee is not ‘after anyone.’ All that we are concerned with is the ascertainment of the truth, whatever it is.

Special Committee on Un-American Activities Chair. Representative Martin Dies\(^2\)

Nowhere in the United States Constitution is Congress authorized to conduct investigations. Nevertheless, this power has long been recognized as an implied and necessary part of its legislative function. Serving a broad range of purposes and issues, since 1792 investigations have been responsible for

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\(^2\)Hearings Before a Special Committee on Un-American Activities, vol. 1, p. 2.
many of the most famous and infamous episodes in the history of the House and Senate.³

In 1938, the House of Representatives authorized a special committee to investigate subversive or "un-American" propaganda.⁴ Popularly known as the Dies Committee after its chairman Martin Dies, this special committee was the progenitor of the most notorious legislative investigating committee in the history of Congress, the House Un-American Activities Committee (HUAC).⁵ Retrospectively, it appears that the congressional investigations into subversion of the late 1940s and 1950s were responsible for greater abuses than those inflicted by the Dies Committee, but the latter is nevertheless widely credited—or blamed—for establishing the tenor and investigative techniques of the later inquiries. Condemnations of investigations into subversion are wide-ranging, including criticisms that they deny First Amendment freedoms but also that they violate basic procedural protections.

It is tempting to treat the Dies Committee with contempt. It was heavily criticized in its own time for its procedural and evidentiary irregularities. In 1939,

³ The Constitution does not expressly allow Congress or the Senate to conduct investigations and hear testimony, this power is deemed fundamental to the legislative function of Congress and has therefore been held to be implied. See generally Barenblatt v. United States, 360 US 109 (1959), Watkins v. United States, 354 US 178 (1957), Quinn v. United States, 349 US 155 (1955).
⁴ H. Res. 282, 75th Congress, May 26, 1938.
⁵ Throughout this and subsequent chapters, I will distinguish between the Dies Committee and the House Un-American Activities Committee or HUAC. In keeping with the tradition of most special committees, the Dies Committee was referred to by the name of its chair. As a standing committee, HUAC was known only by its official designation.
the San Francisco chapter of the National Lawyers Guild wrote that the Dies Committee 

used its hearings...for the dissemination of irresponsible slanders against honest public servants and private individuals and against public-spirited organizations, on testimony consisting of surmise, conjecture, unfounded opinion, unsupported conclusions and unwarranted deductions, without any attempt at verification or confirmation, which no self-respecting fact-finding agency anywhere would consider.6

The American Civil Liberties Union weighed in with its 1940 opinion that Committee witnesses were comprised of “grumblers, dissidents, persons without facts, [and] persons stating conclusions not based on facts.” The Committee, moreover, had accepted testimony “consisting of guess, hearsay, unsupported information, and unwarranted conclusions often of obviously biased witnesses,” all of which amounted to little more than “idle gossip.” Hearings featured leading questions and uncorroborated testimony in which the Committee failed to ask for the evidence, details, and facts which might have supported the accusations. The Committee, the ACLU continued, did not consistently cross-examine witnesses who made serious charges, or hear rebuttal evidence before reaching its conclusions. In its press releases and annual reports, the Committee employed guilt by association and drew conclusions for which it offered no proof. The ACLU further charged that the Committee used its inquiry to attack members of the Roosevelt administration and the New Deal, made accusations against individuals before allowing them an opportunity to defend themselves, and hid

6 National Lawyers Guild San Francisco Chapter, “People of the United States v. the Dies Committee,” October 28, 1939, p. 3.
behind congressional immunity to enable persons with "ulterior motives" to level slanderous charges.7

Coming from two liberal legal organizations, the foregoing critiques of Committee procedure were to be expected, but their observations have been echoed by the majority of historians ever since. "Dies permitted witnesses to make unsupported charges of the most fantastic character," wrote William Leuchtenburg, "and rarely accorded the accused the right to reply." Frank Donner asserted that "The Dies Committee never doubted for a moment that it could use the power of investigation to attack individuals, organizations or ideas on political grounds without violating the constitution." "[Dies'] standard strategy," argued Ellen Schrecker, "was to take testimony from professional ex-Communists and disgruntled civil servants and then challenge the [Roosevelt] administration to dismiss the alleged subversives his witnesses had named." Given the difficulty of proving individuals were Communist Party members, Schrecker continued, "[The Committee] came to rely on indirect evidence—support for left-wing causes and affiliation with front groups...Using this kind of evidence could and did lead to widespread abuse...." Bert Cochran dismissed the Committee's work as "...reasoning based on demonology." Rather than examine social phenomenon as the cause of society's behavior, he said, the Committee chose to "account for unruly events by the arbitrary machinations of villains and devils." "[The Dies Committee's] technique, which was to be emulated a decade later by Senator Joseph McCarthy with even more monstrous

success, was simple enough," Jerre Mangione concluded, "rules of evidence and
due process went by the board; witnesses with personal or political axes to grind
were permitted to incriminate [others] without being confronted by them.\(^8\)

The consensus among Dies' contemporaries and subsequent scholarship,
therefore, is that the Committee relied on poor procedure in an attempt to smear
progressives and liberals by associating them with radical organizations, to
denunciate based on half-truths and misrepresentations, and to generate
sensational headlines. During its first year, for example, Dies' goal was
seemingly to undermine the New Deal by claiming that the Roosevelt
Administration and various New Deal agencies were riddled with Communists.

Examination of the Committee's records suggests strongly that the
foregoing criticisms were warranted. But to assess better the work of the Dies
Committee, it is necessary to grapple with the fact that regardless of its motives
and procedural inadequacies, in many instances its claims were true. The
Committee asserted that the Federal Theatre Project was rife with Communists,
and it was. No one has denied the presence of Communists within another of
the Committee's bogies, the Congress of Industrial Organizations. Although the
Dies Committee was often wrong on the details, it generally got the broad
outlines of the story right.

\(^8\) William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal* (New York: Harper
Press, 1983), pp. 4-5
In its lengthy critique of the Committee, even the ACLU conceded that "scattered through the record is information which is important and to which the American people are entitled." The Committee had exposed behavior that violated statutes and revealed the activities of individuals and organizations which sought to destroy democratic institutions and the Bill of Rights under the guise of patriotism. Moreover, in a nod to what Martin Dies considered to be the two most important services his inquiry provided to the American people, the ACLU recognized that by exposing the "real and undemocratic" purposes of these groups, the Committee had put the public on notice with the result that they would look more closely at organizations before joining, giving money, or allowing it to use their names. Finally, the ACLU concluded, the Committee had performed an invaluable service by exposing the fact that some organizations were controlled or aided by foreign governments.⁹

And while most historical scholarship is properly critical of the Committee's attack on the New Deal, a handful of historians have acknowledged that the investigation's conclusions were often correct. Although he considered Dies to be "wildly irresponsible," Richard Gid Powers noted that "...the Committee's reports on Communist activities were for the most part accurate." "The information the Committee collected in the thirties," Powers observed, "still forms the foundation for much of what we know today about communism in that decade." John Earl Haynes agreed, writing, "Despite Dies' misuse of the facts or

his sometimes confused interpretations, his information was accurate more often than his enemies would concede.\textsuperscript{10}

This dissertation examines the procedural and evidentiary standards under which the Dies Committee operated in an effort to address the question whether the lack of consistent application of these standards mattered when the investigation's conclusions were generally correct. The Committee was guilty of all of the aforementioned failings—hearsay, speculation, and biased testimony were common features of public hearings. Technically, however, it should not be faulted. At the time that the Dies inquiry operated, there were no rules governing the procedures to be utilized by congressional investigating committees. If it chose, a committee was free to listen to conjecture and second-hand testimony. Nevertheless, acknowledging issues of fundamental fairness, the Dies Committee held itself to a semblance of legal standards. Dies often stated that he would allow no evidence that would not be acceptable in a court of law.\textsuperscript{11}

Primarily investigations were, and are, used as a means of gathering information to aid in drafting legislation. But the Dies Committee's mandate was to investigate the dissemination of un-American propaganda in the United States from both foreign and domestic sources. Any legislation touching upon the dissemination of propaganda—especially domestic propaganda—would tread


\textsuperscript{11} "...[W]hile there is a good deal of latitude allowed, necessarily, in the conduct of these investigations and we do not conduct them like they do in court," Dies told a
dangerously close to the First Amendment. The Committee, therefore, chose to focus its inquiry on less constitutionally treacherous grounds like demonstrating links between allegedly subversive groups and foreign nations, and informing the public about the dangers presented by these supposedly "un-American" organizations.

The fact that the Dies Committee used its inquiry to inform the public raised the stakes on the adequacy of procedural and evidentiary rules. While it might be important to establish rules for witnesses appearing before committees that were merely gathering information to aid in drafting legislation, such rules were was crucial when a committee conducted hearings primarily to warn the public of a perceived danger. In the latter situation, whether intentionally or not, committees have often sought to prove an individual's "guilt." When acting in such a quasi-judicial capacity, committee hearings sometimes degenerated into "legislative trials." But while a hearing might resemble a trial, the witness was protected only by the rights that the committee chose to grant.

But before drawing conclusions about the adequacy of rules to protect witnesses appearing before a congressional committee investigating subversive activities, consideration should be given to the role of national security. Should congressional investigations bother to adhere to well-established procedural and evidentiary rules in the face of a potential threat to our national existence? Courts have usually dealt with these issues by means of a balancing test, with

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witness in 1938, "in any congressional investigation, nevertheless, we try, as much as possible, to stay within the rules...." *Hearings*, Testimony of John McGillis, p. 1249.
the right of Congress to gather the information it needs to exercise its powers and duties on one side, and the rights and freedoms of witnesses and individuals who run afoul of the committee on the other.\textsuperscript{12}

Balancing the rights of witnesses against the government’s interest in national security is a question of whether the end justifies the means. Although this issue has most often been addressed in reference to Senator Joseph McCarthy and First Amendment rights, by analogy it is applicable to Dies and procedural rights. “Whether the committee chairman be a Dies, a [J. Parnell] Thomas, a [John S.] Wood or a [Harold H.] Velde,” wrote Eugene Grossman in 1953, “the evils of the committee live on. They are evils inherent in the very nature of this American version of the inquisition and they will continue to gnaw at the vitals of American freedom until the committee itself is abolished.” While conservatives might take exception to Gressman’s tone and conclusion, many agree that granting power to committees to ferret out subversive activities comes uncomfortably close to imperiling cherished civil liberties.\textsuperscript{13}

Testifying before HUAC in 1947, Ronald Reagan expressed the belief that we should not allow “fear or resentment” to compromise our democratic principles. In his “calm review” of HUAC, William F. Buckley recognized that “[w]e do not want to sacrifice a single freedom which we need not sacrifice in

\textsuperscript{12} Discussing the need to balance the right of Congress to gather information against individual rights, the Supreme Court noted in Watkins v. United States, “We cannot simply assume...that every congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual’s right to privacy nor abridge his liberty of speech, press, religion or assembly.” Watkins v. United States, 354 U.S. 178, 198-199 (1956).
order to safeguard the Republic." Of course, Buckley began his inquiry with the assumption that the threat from the Soviet Union was real, and that the threat was not just external, but internal as well. So while acknowledging that the "state wants constant watching, because it is, notoriously, the principal instrument for the oppression of free men," he ultimately concluded that the threat of internal subversion was so great as to require congressional inquiry.  

For Buckley, the overriding concern was national security, which enabled him to set aside First Amendment considerations. For example, responding to concerns that congressional investigations of un-American activities "stigmatiz[e] unpopular ideas and intimidat[e] those who believe or express such ideas," Buckley observed that, historically, HUAC "has gone after pro-Communists, or suspected Communists, or apparent victims of Communist influence only (and here and there a pro-fascist, or 'hate' group)." Because Buckley had already determined that the Communist threat was significant, he had no qualms about stigmatizing the group. For this same reason, he drew a distinction between American fascists of the 1930s such as German-American Bundsfuehrer Fritz Kuhn and neo-fascist Lincoln Rockwell. Kuhn was attempting to influence American foreign policy on behalf of a foreign government, Germany. But Rockwell was simply a garden-variety hate-monger with a small following who represented no threat to the nation. Kuhn, therefore, was appropriately investigated by the Dies Committee, but a similar probe of Rockwell would have

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been unjustified. "Lots of ideas are despicable," Buckley explained, "but those of us who favor limited government want to let despicable ideas be disciplined by the marketplace." A congressional investigating committee intrudes legitimately, Buckley argued, when the despicable idea "(a) is being sustained by foreign and powerful enemies of the republic, or (b) threatens explosive internal crises."  

Buckley's justification for HUAC's investigations precisely echoed that of the Dies Committee. Condemnation of individuals who espoused unpopular ideas was difficult to reconcile with the American free speech tradition. The Committee, therefore, frequently asserted its devotion to constitutional principles but cautioned that free speech was subject to some restrictions. Aliens could be deported if they attempted to advocate one of the suspect "isms" within the United States, and the government could "outlaw any organization which is found to be under the control of, or subject to the dictation of a foreign government."

While believing in and promulgating an alternative ideology may have been


15 Ibid., pp. 18, 24-25.

16 In its first official Report to the House in 1939, the Committee noted that unlike Russia, Germany, or Italy, American citizens were free to advocate "doctrines which are contrary to [Americanism]," including communism and nazism. Its 1940 Report noted the importance of preventing the growth and spread of organizations tending to undermine democracy, then added, "it is at least equally important that in combating subversive groups of this character nothing be done which would undermine the fundamental structure of liberty itself." In 1941, it reiterated: "The right to individual liberties of free Americans must be preserved as zealously as the efforts of totalitarian agents are combated." It was difficult for Congress to legislate regarding un-American activities without trampling the rights of "those who hold minority views concerning social and economic questions." Report of the Special Committee on Un-American Activities, House Report No. 2, 75th Congress, 1st Session. January 3, 1939, p. 13; Report of the Special Committee on Un-American Activities, House Report No. 1476, 76th Congress,
constitutionally protected, it was another matter if that ideology led its adherents to affiliate with and do the bidding of a foreign government. As for U.S. citizens, while Congress could not deny their rights of speech and association, an investigating committee could focus attention and publicity on the actions of groups advocating communism or fascism. 17

Buckley and Dies argued that investigations of subversion may be justified by the nature of the threat to the nation. In certain limited instances they would give more weight to national security than to First Amendment rights. But where do procedural protections fit into this formulation? What weight to the rules of evidence? Does national security justify an indiscriminate curtailment of rights? When balancing individual rights against national security concerns, how much are we willing to sacrifice? Answers to these questions may amount to little more than opinion. Moreover, recent studies have complicated matters for civil libertarians by proving that, at least in the case of the Soviet Union, espionage during the Depression was more widespread than previously known.

The conservative argument that congressional investigations of Communists and other subversives were justified in the name of national security has received a tremendous boost by information unearthed in recent years from two sources: the Russian archives opened after the fall of the Soviet Union, and the Venona cables, decrypted Soviet transmissions from World War II. The Soviet archives, which have subsequently been closed again to Western

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17 Id.
scholars, provided the handful of researchers who paid for access a treasure trove of information, including material on the Communist Party of the United States (CPUSA) which historians thought had been destroyed long ago. Venona was the National Security Agency name for a code-breaking project begun in 1943 and ended in 1980. From the start of World War II in 1939, the federal government collected Soviet diplomatic cables entering and leaving the United States. In 1943, the U.S. Army’s Special Branch, part of the War Department’s Military Intelligence Division and the predecessor of the NSA, undertook the task of breaking the code, which they did not accomplish until 1946, after the war had ended.18

This new research resulted in a spate of books that addressed a long-standing issue of contention among historians of American anticommunism: the nature of the relationship between the Soviet Union and the CPUSA.19 These books sought to reinforce the view, developed in the 1950s by Theodore Draper, that the CPUSA was never an independent, indigenous political party, but was, at all times, a tool of the Soviet Union via the Communist International (Comintern).20

20 A large part of the historiographical debate on anticommunism focuses on an issue important to the Dies Committee—the degree of influence the Comintern (Communist International) wielded over the Communist Party of the United States (CPUSA). Dies
A revisionist view that emerged in the 1960s focused on the party’s rank and file, concluding that the CPUSA was a political party like any other, albeit

was certain that the Comintern received its orders from Moscow and then dictated the actions of the CPUSA. Although historians generally agree with this assessment, they continue to debate the level of influence. Interpretations have been influenced by the attitudes and posturing of the Cold War years. Historians of American anticommunism have generally aligned themselves in either the anti-Communist or the revisionist camp.

Draper’s *The Roots of American Communism* was the first in a ten book series entitled “Communism in American Life” sponsored by the Ford Foundation’s Fund for the Republic. The purpose of the series, according to revisionist Maurice Isserman, “was to recapture the telling of Communist history from congressional investigating committees and such dubious chroniclers as (expelled CPUSA members) Gitlow and Budenz.” Although the Fund devoted itself to civil liberties, race issues and liberal causes, the “Communism in American Life” series was generally anti-Communist in its tone. See Theodore Draper, *The Roots of American Communism* (Chicago: Ivan R. Dee, Inc., 1957); Maurice Isserman, “Three Generations: Historians View American Communism,” *Labor History*, Fall 1985, p. 525.

In *The Roots of American Communism* and *American Communism and Soviet Russia*, Draper argued that the CPUSA never possessed a life of its own as an independent political party, serving instead as merely a tool of the Soviet Union. As a college student in the 1930s Draper had been a member of a front organization, the National Student League, and served as the foreign editor of the *New Masses*. He broke with the Party because of its continuing refusal to acknowledge the danger posed by Germany following the collapse of France. “The lesson, I told myself,” Draper wrote in 1986, “was to think for myself and never again get caught in the coils of the party line.” In tracing the origins of the CPUSA, about which, in 1957, very little had been written, Draper’s analysis reflected his personal experiences in the Party. He argued that all power within the Communist movement essentially emanated from the top. “[I]n a Communist party,” he wrote, “the top leadership is, in all important respects, the only part that makes effective decisions. In its main line, therefore, a history of the Communist party is chiefly a history of its top leadership.” Draper quoted in John Patrick Diggins, *The Rise and Fall of the American Left* (New York: W.W. Norton and Company, 1992), p. 309; Theodore Draper, *American Communism and Soviet Russia* (New York: Viking Press, 1960), p. 4.

In response to those who argued that a history of communism in the United States needed to reflect more than an authoritarian structure, Draper observed: “Whatever has changed from time to time, one thing has never changed—the relation of American Communism to Soviet Russia. This relation has expressed itself in different ways, sometimes glaring and strident, sometimes masked and muted. But it has always been the determining factor, the essential element.” Following the effective bolshevization of the Party in 1925, the CPUSA surrendered its autonomy and independence as it ceased to function as anything other than a “section” of the Comintern. “[T]he Comintern was not merely the central organization of separate parties—it was the party, the world party,” Draper wrote. “The various parties were only subdivisions of a single international unit with its headquarters in Moscow. They were ‘sections’ of the Comintern.” Draper, *American Communism and Soviet Russia*, pp. 5, 4; Draper, *The Roots of American Communism*, pp. 263, 395.
radical, and that subservience to the Soviet Union had been overemphasized. Revisionists examined American communism not from the top down, but from the perspective of the rank and file. Studying the CPUSA from the bottom up, they utilized oral histories to show that Party members were concerned with labor issues and the creation of an American Communist Party, and were not merely an obsequious national section of the Communist International. The revisionist interpretation, Kenneth Waltzer explained, does not deny the authority of the Comintern, but "depict[s] a Party considerably more flexible and adaptive to American conditions and issues, rooted in real struggles in American work and communist life, and enjoying important, if limited...support from mass constituencies." 21


Many New Left inquiries sought to determine why a mass socialist organization failed to materialize during the 1930s. The CPUSA had squandered its opportunity for mass support, according to New Left interpretation, by subordinating its own revolutionary program to the Comintern dictates of trade unionism or support for the New Deal. New Left analysis began to inquire into issues of the dynamics of political movements, or of how individuals became radicals. These new questions dovetailed with the rise of social history, which turned attention away from elites and institutional structures, away from a top-down analysis of American communism, and began to look instead at the rank and file, the immigrants, laborers and other subgroups comprising the
The new research based on Venona and the Russian archives, however, seemingly supported Draper's argument. Harvey Klehr and John Earl Haynes, two of the historians who conducted this research, have concluded that

It is no longer possible to maintain that the Soviet Union did not fund the American party, that the CPUSA did not maintain a covert apparatus, and that key leaders and cadres were innocent of connection with Soviet espionage operations. Nowhere...did the authors find documents indicating that Soviet or CPUSA officials objected to American Communists cooperating with Soviet intelligence or even having second thoughts about the relationship.22

Since 1984, well before his foray into the Russian archives, Klehr had argued that "In all periods of party history, the ultimate source of party policy was

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These new histories attempted to be less polemical and more balanced. Although Draper, representing the old guard, criticized them as "apologist revisions," this particular revisioning of the American CP never denied the ties between the Party and Moscow. It merely attempted to change the perspective. "Focus on Draper's smoke-filled rooms and you get one view of what was really important in the history of the CP, the decisions of a small group of top CP leaders in constant consultation with Moscow," said Isserman. "Step outside those rooms into the fresh air and you get quite a different view." Isserman, "Three Generations," p.539.

Typical of the new history of American communism was Fraser Ottanelli's The Communist Party of the United States. It was a traditional account of American CP history in that it examined the Party's policies at the leadership level. But he staked his claim among the revisionists by incorporating recent scholarship concentrating on Party activities at the local and state levels, in ethnic and racial communities, and within the labor movement. Ottanelli. The Communist Party of the United States, pp. 2-5, 123.

22 Klehr, Haynes, and Firsov, The Secret World of American Communism, p. 18; Klehr, Haynes, and Anderson, The Soviet World of American Communism. In the above account I refer to Klehr and Haynes without reference to their co-authors Firsov, a Russian historian, and Anderson, a Russian archivist. This is not meant to diminish their role, but only to simplify the discussion, particularly since Klehr and Haynes are two veterans of the American anticomunist historiographical wars.
the Soviet Union. 23 The information he uncovered in the 1990s merely confirmed what he suspected all along, that the Soviet Union funded and supervised an extensive espionage network in the United States. 24 A

23 Harvey Klehr, The Heyday of American Communism: The Depression Decade (New York: Basic Books, Inc., 1984), pp. ix, 416; James R. Prickett, “Review of The Heyday of American Communism,” Journal of Social History, p. 819. Klehr’s work, which focused almost exclusively on the Party’s upper echelon, was criticized for being “only interested in Communist documents, articles by Communists, and anti-Communist attacks on Communists.” In other words, the evidence from which Klehr drew his conclusions was almost exclusively that which reflected Party policy or was generated by anti-Communists. He rejected the revisionist conviction that the view from above obscured the reality of Party life for the rank and file. Although he stated that one of the questions he hoped to answer was who were the members of the CPUSA and what were they like, with the exception of five pages on the Party’s social composition, he essentially excluded the rank and file from his story. Of CPUSA members, he wrote, “There was nothing unique or peculiar about Communists as people. They came out of all environments, had all sorts of motives for becoming members, and differed greatly in their commitment to the cause. But once a person entered the Party, and especially once in the leadership, only unconditional and unwavering loyalty to the dictates of Soviet policy, both foreign and domestic, enabled one to stay.” Id.

Klehr’s research in the Soviet archives and on the Venona cablegrams continued to draw from sources that reflected Party policy rather than the views and actions of the rank and file, but he did not see this as a weakness. This research only reinforced his view that the CPUSA was a compliant tool of the Soviet Union. Id.

24 The material found in the Soviet archives and Klehr and Haynes’ interpretation of it has not gone unchallenged. In addition to claims that Klehr and Haynes tended to draw sweeping conclusions that were not justified by their source materials, the primary objection critics raised was that most of the names they discovered were coded. By utilizing certain identifying factors mentioned in the cablegrams or archives, Klehr and Haynes believed they were able to identify correctly many of the code names. For example, a file might mention that an agent went to a particular university, then list the jobs he held since graduating, or might mention a pregnant wife. Using these clues, the researchers were able to identify the agent. This was the same method the NSA used, with the assistance of the FBI, to identify code names in the Venona cablegrams. Robert Lamphere, the FBI agent in charge of the identification process, insists scholar Sam Tanenhaus, was a “careful and responsible investigator.” But this alone does not resolve all of the problems presented by the newly uncovered material. The information found in the Soviet archives has been questioned based on the contention that Soviet agents may have exaggerated their successes in recruiting spies to please their superiors at home. As Ellen Schrecker pointed out, there were also too many gaps in the record to use these materials with complete confidence. Ellen Schrecker, Many Are the Crimes, pp. xvii-xviii; Sam Tanenhaus, “Tangled Treason,” New Republic, July 5, 1999, p. 30.

To complicate matters, in 1999, researchers discovered an analysis of the Venona transcriptions prepared by Robert Lamphere that revealed the FBI had doubts
"Communist underground existed inside various government agencies in Washington in the 1930s," Klehr and Haynes concluded, and the individuals who participated in it lied about their ties to the CP and used their positions to gather information and influence government policy.

Klehr and Haynes claimed to have found evidence that some 349 individuals had spied for the Soviet Union. These Communists were ensconced in New Deal agencies, including the circle surrounding Harold Ware at the Agricultural Adjustment Administration, the National Youth Administration, the National Research Project, and Federal Theatre Project of the Works Progress Administration. Communists were also active in the Treasury Department and in the service of at least two congressional investigating committees, the La Follette Civil Liberties Committee and the Wheeler Committee’s investigation of the railroad industry.25

The spies were not all mid-level bureaucrats. The authors presented evidence showing that some highly placed government officials secretly carried
out Party work, including Assistant Secretary of the Treasury Harry Dexter White, State Department official in charge of the Latin American division, Lawrence Duggan, and FDR’s senior administrative assistant Lauchlin Curry. “Previously, evidence of the Communist presence could be trivialized or its reliability questioned,” the authors asserted. “These documents, however, are too clear to allow such evasions.”

26 Klehr, Haynes, Firsov, The Secret World of American Communism, pp. 18, 96-105; Ethan Bronner, “Rethinking McCarthyism, if Not McCarthy,” New York Times, October 18, 1998. sec. IV, p. 6. For the most part, in The Haunted Wood, Weinstein and Vassiliev arrive at the same conclusions as Klehr and Haynes. Among others they identify the Ware circle at the AAA, Alger Hiss and Whittaker Chambers, Harry Dexter White, Lauchlin Currie and Lawrence Duggan as Soviet spies. They also agree with Klehr and Haynes that the Soviet espionage effort did not begin until after Roosevelt officially recognized the Soviet union in 1933. (Klehr at 32) At the time, the Soviet Union had very little in the way of an intelligence network in the United States, but diplomatic recognition meant that it could now conduct its intelligence operations under the cover of its Washington embassy and New York and San Francisco consulates. Weinstein and Vassiliev, The Haunted Wood, pp. 157, 23.

Regardless of recent revelations, revisionists have conceded little in the argument regarding Soviet influence over the CPUSA. They continue to argue, as Maurice Isserman has observed, that being an American Communist was not the same as being a spy. “Of the approximately 50,000 party members in those years,” he reasoned, “49,700 were not involved in spying.” Isserman also pointed out that Klehr and Haynes showed that many Americans said no when they were approached to spy, many were reluctant, and some believed the information they supplied was for the use of the CPUSA only—they did not realize that it was being passed on to the Soviet Union. The variety of circumstances under which Party members contributed to the secret apparatus supports the revisionist argument that the Party was not a monolith, that people joined and worked for it for a variety of reasons and in a variety of ways. Maurice Isserman, “They Led Two Lives,” New York Times Book Review, May 9, 1999, p. 34.

This is an argument that Klehr and Haynes have partially conceded. But while Americans joined the Party for many reasons, they asserted that “the people who passed through the CPUSA did not define its character or mission: that was done by its hard core of permanent cadre who devoted their lives to the movement.” Although the vast majority of American Communists were not spies, they maintained that many rank and file did engage in espionage and “the apparatus could not have functioned without the obscure men and women who were willing to devote their lives to it.”

Sam Tanenhaus, a proponent of the Draper school agreed with revisionists that most CPUSA members were active at the local level handing out leaflets, organizing unions, and generally attempting to utilize and adapt the Party to their own traditions and needs. Revisionists, said Tanenhaus, were not necessarily denying the idea that the
This new research has not only influenced the historiographical debate on the Soviet influence on the CPUSA, it has had implications for every aspect of the history of American anticommunism. Primarily, it has been raised by historians discussing the Cold War's "Second Red Scare" to broach the repugnant idea that McCarthyism may have been justified. Not a few commentators have noted the "whiff of right-wing triumphalism in the air" that has accompanied this new research. Liberals used to demonizing the demonizer Joe McCarthy were shocked when Nicholas Von Hoffman suggested in the Washington Post in 1996 that "point by point Joe McCarthy got it all wrong and yet was still closer to the truth than those who ridiculed him." David Oshinsky, observed in the New York Times that by "describing the Communist Party as little more than an espionage machine, devoid of humanity" Klehr and Haynes have practiced "propaganda with footnotes." 27

Klehr and Haynes have denied that they are working to rehabilitate McCarthy. They have disclaimed any intention of rescuing the reputation of a

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CPUSA followed the dictates of the Comintern, but were trying to widen the view to include the Party's social history. But, he added, if revisionists want to look at social history, they cannot do so selectively. This meant including some of the more unsavory stories Klehr and Haynes unearthed in their research, such as the CPUSA members recalled to Moscow during the years of Stalin's purges, accused of deviation of the left (Trotskyites) or right (Bukharin / Lovestoneites), and summarily imprisoned or executed. It was this information which led Ronald Radosh to conclude that revisionists were mistaken to assert, as did Roy Rosenzweig, that the CPUSA was "an authentic expression of American radical tradition." "[I]t is the accomplishment of Klehr and Haynes," wrote Radosh, "to show that, at every critical moment, the would-be Americans in the Party had to adapt to Soviet instructions or face immediate expulsion from the Party's ranks." Sam Tanenhaus, "Keeping the Faith," New York Review of Books, June 25, 1998, pp. 45-48; Ronald Radosh, "The Two Evils," New Republic, May 11, 1998, p. 38; Klehr, Haynes, Firsov, The Secret World of American Communism, pp. 323-324.
man who wielded anticommunism in the most partisan and demagogic fashion. McCarthy utilized “exaggerated, distorted, and in some cases, utterly false” evidence, they argued. He recklessly leveled charges at the innocent as well as the guilty, making no attempt to sort one group from the other. But while they agreed with Ellen Schrecker that “whatever threat the dwindling band of Communists may have posed had been largely contained by the time the anticommunist furor escalated in the late 1940s,” Klehr and Haynes do object to the revisionist notion that post-war anticommunism was an “authoritarian, antidemocratic attack on a movement whose only sin was to dissent from prevailing norms.” Fears that Communists were infiltrating government and endangering national security were neither irrational nor indefensible. “Although many people were harassed,” the authors asserted, “the secret world of the CPUSA made such excesses possible.”

These arguments about McCarthy are equally valid for the Dies Committee. More so, in fact, given that all sides in this debate agree that the Soviet espionage threat was at its peak during the period in which Dies operated. Based on their review of thousands of KGB documents supplemented by forty (out of 2,900) Venona transcriptions, historian Allen Weinstein and former KGB agent Alexander Vassiliev described the period from 1933 to 1945 as a “golden age” of Soviet espionage. Since Klehr and Haynes presented evidence that both


Roosevelt and Truman ignored warning signs that spies were working for the federal government, Sam Tanenhaus condemns the "executive branch's shielding of Communist agents over the course of two administrations." Moreover, Klehr and Haynes' description of McCarthy's use of "exaggerated, distorted, and in some cases, utterly false" evidence could easily apply to Dies. With Dies, however, despite his use of distorted and sometimes false evidence, his conclusions were usually more accurate than not. So, if the national security threat was great in the pre-war years and Dies' findings were not egregiously wrong, do these factors mitigate his committee's failure to consistently provide procedural and evidentiary protections to its witnesses?29

Given the recent scholarship based on the Venona telegrams and the Russian archives, most aspects of American anticommunism have inspired re-examinations. In addition, the National Archives and Records Administration only recently opened the Dies Committee's records to the public. These records offer a glimpse into the daily activities of investigators and staff. For the first time, it is possible to examine the Committee's activities based on something other than the official hearing transcripts. Nevertheless, it is the hearing procedure that is at issue here.

Most HUAC histories, which include the Dies Committee in varying degrees, have been concerned more with breadth than depth. The Dies Committee, like its successor, HUAC, covered an enormous number of issues

29 Weinstein and Vassiliev, *The Haunted Wood*, pp. xvii, 340; Tanenhaus, "Tangled Treason," p. 34. Vassiliev and Weinstein and Klehr and Haynes all acknowledge that there was nothing left of the Communist espionage network by the time of Cold War.
and heard testimony from thousands of witnesses. Hearing transcripts for the Dies Committee alone run over ten thousand pages. In attempting to cover the broad scope of these inquiries, most histories tend to list the subjects addressed and the witnesses heard by the Committee, then briefly summarize the substance of their testimony. These histories focus heavily on placing the Committee within the political and social contexts of the pre-war and early war years. Although procedure is an important element of these works, it is not the dominant theme. When discussing the Committee's procedural failings, they sometimes resort to the Dies-like technique of asserting rather than showing. This is not to imply that these scholars have not closely examined the hearing transcripts and correctly determined that the Committee was guilty of the excesses of which it has been accused, only that they do not expend much effort presenting examples of these excesses.\textsuperscript{30}

In order to examine closely the procedural and evidentiary standards used by the Committee, I have attempted to blend the traditional public history methods of earlier Committee histories with a legal analysis. Rather than

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\item The defections of Elizabeth Bentley and Igor Gouzenko were a major factor in shutting down these networks. Weinstein and Vassiliev, \textit{The Haunted Wood}, p. 340.
\item The scholarship on HUAC, including the Dies Committee, is vast. The only full-length treatment of the Dies Committee is, August Raymond Ogden, \textit{The Dies Committee: A Study of the Special Committee for the Investigation of Un-American Activities 1938-1944} (Washington: Catholic University of America Press, 1945). The main overviews of HUAC include, Walter Goodman, \textit{The Committee: The extraordinary career of the House Committee on Un-American Activities} (New York: Farrar, Strauss and Giroux, 1964); Robert K. Carr, \textit{The House Committee on Un-American Activities} (Ithaca, New York: Cornell University Press, 1952); and Buckley, \textit{The Committee and Its Critics: A Calm Review of the House Un-American Activities Committee}. Rather than provide a general overview, Eric Bentley's \textit{Thirty Years of Treason}, presents hearing excerpts that allow the reader to judge the Committee's conduct. Eric Bentley, \textit{Thirty Years of Treason};
\end{itemize}
providing a general overview of the Committee’s work, which has been done elsewhere, I examine a handful of episodes in detail. I take the Committee’s claim that it was abiding by procedures that would be considered adequate in a court of law and put it to the test by scrutinizing those procedures in accordance with legal procedural and evidentiary standards of the late 1930s. In doing, so I hope to come to a conclusion about the sufficiency of the Committee’s procedures regarding the rights of witnesses, and, as a result, come closer to a judgment about the relationship between individual rights and national security.

The role of procedure in legal and quasi-legal settings is to provide a fair hearing for the participating actors, whether they be witnesses in a congressional hearing or plaintiffs and defendants in a trial. Procedure also establishes a framework designed to get at the truth. But it also means a greater expenditure of time and energy on the part of the hearing forum. Strict adherence to procedure can seriously complicate legal proceedings. Nevertheless, procedure is not designed for convenience but for fairness. In a standard legal setting, the latter almost always outweighs the former. Where national security is concerned, however, the proper balance between the two is harder to calculate. It is an problem that continues to resonate.

Following the September 11, 2001 terrorist attack on the Pentagon and New York’s World Trade Center, George W. Bush issued an executive order authorizing the creation of military tribunals to try “certain non-citizens in the War Against Terrorism.” While promising that terrorists would receive a “full and fair

trial," the order stated that it would not be "practicable to apply in military commissions under this order the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts." The rationale for denying standard legal protections was the "magnitude of the potential deaths, injuries, and property destruction that would result from potential acts of terrorism."\(^{31}\)

The poorly drafted executive order seemed to indicate that the military tribunals would not operate under a presumption of innocence (the order assumed the terrorist status of defendants), would not allow defendants to choose their own attorneys, nor allow appeals. Hearsay evidence would not be banned at trial and convictions required only a two-thirds vote of the military judges. The Bush administration's willingness to forego "principles of law and the rules of evidence" provoked an immediate outcry from civil libertarians. These objections prompted the administration to backtrack on its initial formulation, with promises by White House counsel Alberto Gonzales that the final draft of the rules to be applied in the tribunals would be more protective of individual liberties. Nevertheless, one might infer the administration's true feelings on the subject by Bush's comment that "we must not let foreign enemies use the forums of liberty to destroy liberty," and Attorney General John Ashcroft's statement: "are we supposed to read [terrorists] the Miranda rights, hire a flamboyant defense lawyer, bring them back to the United States to create a new cable network of

Osama TV?" Martin Dies and almost all HUAC members and staff would have agreed.32

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Chapter One:
Strange Bedfellows: Dickstein, Dies and the Creation of the House Un-American Activities Committee

My sincerest condolence to your political funeral. Am also sorry you are not on the Dies Committee because I lost the opportunity to finish you in the first round.

-Telegram, German-American Bund Bundesleiter Fritz Kuhn to Congressman Samuel Dickstein, June 24, 1938.¹

Notorious for its anti-communism, media manipulation, and irregular procedures, the House Un-American Activities Committee is often assumed to be a product of the Cold War. But the House of Representatives created the Committee in 1938 not 1948. It originated in the fears of subversion that surfaced during the Depression. The 1929 stock market crash and ensuing Depression dealt heavy blows to American faith in capitalism and democracy. Alternative economic theories and political ideologies gained ground. Beginning in the early 1930s, the House utilized investigative committees to address subversive propaganda and activities in the United States. The first of these Depression-era House committees, chaired by New York Representative Hamilton Fish, probed Communist propaganda. Despite its lengthy and heavily publicized inquiry, the Fish Committee failed to recommend remedial legislation.

¹Telegram, Fritz Kuhn to Samuel Dickstein, June 24, 1938. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio.
Primarily due to the efforts of New York Congressman Samuel Dickstein, in 1934 the House authorized another investigation of subversive activities. Chaired by John McCormack, this second investigation inquired primarily into Nazi propaganda. Praised for its restraint (in comparison to the Fish Committee), the McCormack Committee's efforts did result in the passage of legislation. Disturbed by the rise of Nazism in the United States and believing that the McCormack Committee had only scratched the surface of the problem, Dickstein lobbied for still another inquiry. But Dickstein, a Jewish immigrant, was perceived to be conducting a personal anti-Nazi crusade, and he appeared to be soft on immigration. The battle against subversive activities would therefore fall to Martin Dies, an individual with impeccable restrictionist and patriotic credentials.

The United States Congress did not invent the investigating committee. Legislative investigations had a long history in England before their transit to the American colonies. Its roots date to 1571, when Parliament conducted an inquiry into election disputes that cast doubt on the eligibility of some of its members. By the 17th century, Parliament used investigations to acquire facts to aid in performing its legislative function, to oversee expenditures of funds, and to check the conduct of officials who enforced and executed the laws. Concurrent with the authority to engage in such inquiries, Parliament claimed the right to summon witnesses, demand the production of documents, and to punish recalcitrant witnesses with contempt.²

The power of Parliament to investigate contributed to its ready acceptance among the thirteen American colonies. Colonial assemblies, the Continental Congress, and, later, state legislatures, claimed this right of inquiry. Records of

colonial investigations remain from Massachusetts, New York, Pennsylvania and Virginia. All the colonial legislatures claimed the authority to send for persons and papers, and to punish witnesses with contempt. The power of investigation and contempt was assumed, so much so, that only two of thirteen states expressly included it in the constitutions adopted during the Revolution.3

The first congressional investigation was an inquiry into the circumstances surrounding a disastrous military defeat under General Arthur St. Clair in 1792. St. Clair led an expedition to build a road and fortifications along the Ohio-Indiana border in an effort to quell local Native Americans and pacify the Northwest Territories. A combined force of Miamis, Shawnees, and Delawares attacked and routed his troops. Out of fifteen hundred regulars and militia, six hundred were killed and three hundred wounded. Only seventy of their attackers were killed. This was the worst defeat the American military suffered at the hands of Native Americans. The Second Congress, meeting in Philadelphia on October 24, 1791, like the colonial legislatures before it, approved a motion to form an investigating committee with power "to call such persons, papers, and records as may be necessary to assist in their inquiries."4

Regardless of the long-standing tradition of congressional investigations, in this instance the power was not assumed. The decision was preceded by a lengthy discussion of its constitutionality. Following its approval, the subsequent investigation successfully delineated the reasons for the defeat; however,

Congress never came to a definitive conclusion about where to place blame. The issue was deeply entangled in the political squabbles between Federalists and Anti-Federalists, with the result being a "total paralysis of Congressional judgment."\(^5\)

Congress would subsequently record over a thousand investigations. Inquiries before the Great Depression primarily scrutinized suspected malfeasances or maladministrations by the executive branch, a purpose implanted during Jefferson's administration when the power of congressional investigating committees to oversee the conduct of the executive became firmly entrenched. Between 1829 and 1861, the House alone carried out thirty-six investigations—thirty-two of which were conducted by special committees. The subjects of these investigations included the Post Office Department (1830), the Bank of the United States (1832 and 1834), the New York Customs House (1839), the Smithsonian Institution (1855), and the Brooklyn Navy Yard (1859).\(^6\)

Civil War investigating committees enlarged their scope of activity. Two of Congress' investigations, those by the Joint Committee on the Conduct of the War and the House's Potter Committee on the loyalty of government employees, became notorious. Disgusted with Union losses at Bull Run and Ball's Bluff, Congress created the Joint Committee on the Conduct of the War in 1861 to investigate matters ranging from army ice contracts to hospital care. The committee soon thrust itself into non-investigatory matters such as supervising the plans of field commanders, military strategy and military appointments. Also in 1861, the House authorized an investigation to identify disloyal Unionists

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employed by the federal government. Headed by Wisconsin Republican John Fox Potter, the inquiry was quickly inundated with allegations of disloyalty of government employees from generals to file clerks.\(^7\)

Corruption during the Grant Administration spawned thirty-five committee probes. Thereafter, the pace of legislative inquiries waned until the fifty-one investigations carried out during the last two years of Woodrow Wilson’s administration. The Harding administration witnessed one of the more famous legislative inquiries, that into Teapot Dome, which, like most of these early probes, involved a check on the executive branch.\(^8\)

In the 1930s, the next surge of investigations also subtly changed their purpose. Rather than scrutinizing executive malfeasance, congressmen used investigations increasingly to inform the public and reinforce the need for proposed or newly enacted legislation. For example, the 1933-1934 Senate investigation into the securities and banking industries helped bring about the Banking Acts of 1933 and 1935, the Securities Act of 1933 and the Securities and Exchange Act of 1934. Similarly, the La Follette Civil Liberties Committee, by exposing employer unfair labor practices, underscored the need for effective labor laws at a time when the National Labor Relations Board hesitated to exercise its authority for fear that the Supreme Court would declare the Wagner


\(^8\) Hamilton, The Power to Probe, pp. 6-7; Dimock, Congressional Investigating Committees, pp. 112.
Act unconstitutional. These investigations performed as exercises of the informing function, but were also inherently political.\(^9\)

In addition to garnering public support for proposed or newly enacted legislation, congressmen put investigations increasingly to new uses in the years prior to World War II—exposing subversive activities. Earlier investigations of subversion were rare but were not unheard of. As noted, the Potter Committee's search for disloyal federal employees in 1861 was an early example of congressional efforts to root out subversion. But Congress did not authorize another investigation of subversive activities until the 1919 Overman Committee.\(^10\)

North Carolina Senator Lee Overman chaired a subcommittee of the Senate Judiciary Committee that inquired into the brewing industry and German propaganda. Following political rallies at Poli's Theatre and the Masonic Temple in Washington D.C. that advocated Bolshevism in the United States, Overman, with Senators Frank B. Kellogg of Minnesota and Thomas J. Walsh of Montana, railed against communism. Walsh then proposed a resolution to expand the jurisdiction of Overman's subcommittee to include "any efforts being made to propagate in this country the principles of any party exercising or claiming to exercise authority in Russia."\(^11\)

After determining that its goal should be to understand Bolshevism and its threat to the United States, the Overman committee held seventeen hearings beginning in February 1919. To assess the threat, the committee heard from


\(^11\) *Id.*
witnesses who had been in Russia at the time of the revolution, and who could describe the practical functioning of the new Soviet government. Some witnesses dismissed the Soviet Union as a failed experiment, while others, including John Reed and Louise Bryant, expressed a continuing faith in the revolution and the Bolshevik regime. Although most of the witnesses stated that few American communists supported the Bolshevik version of Marxism, some expressed the hope that by rallying around the Soviet Union, American communists would finally unite to achieve their goal of a proletarian revolution. The Overman Committee conducted its inquiry during the height of the Red Scare of the early 1920s, but it attracted surprisingly little contemporary attention or subsequent scholarly analysis.\textsuperscript{12}

Although prior to the 1930s Congress had created only two committees to investigate subversive activities, between 1930 and 1938, it authorized the Fish Committee, and due to Dickstein’s intense lobbying, the McCormack and Dies inquiries into un-American activities.\textsuperscript{13}

Dies and Dickstein had served together on the House Committee on Immigration and Naturalization and shared a hostility to subversive ideas. But Dies, a congressman’s son from the backwoods of East Texas, and Dickstein, a Russian immigrant rabbi’s son from New York’s Lower East Side, came from vastly different backgrounds and their opposition to radical politics and

\textsuperscript{12} Ogden, \textit{The Dies Committee}, pp. 16-17.
subversive activities had different associations and consequences. Unlike Dies, Dickstein distinguished between the great majority of aliens and aliens espousing subversive ideas. This difference in perspective resulted in a difficult and often tense relationship between the two men. Dickstein knew that his anti-Nazism thoroughly undermined his credibility and so he turned to his anti-immigrant colleague to help win approval for a new investigation.

Dickstein owed his political ascent to the New York City Democratic party machine. From the end of the nineteenth century into the early twentieth, to be an immigrant and a Democratic party activist in New York City meant dealing with Tammany Hall. In return for votes, Tammany performed a rough kind of social welfare based on the idea that politics consisted of seven principles: "two loaves of bread and five small fishes." The Tammany credo, noted one observer, was "Do for others and they will vote for you." But the Tammany machine also entailed graft and divisions of spoils among the local Irish bosses who had controlled the political scene since the 1880s.14

At the start of the new century Dickstein was one of only a handful of Jews involved in New York’s urban political machine. Denied all political participation in most of Europe, to Jews politics here were unfamiliar and suspect. Overcoming their misgivings about the political system, noted Irving

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Howe, was part of the process of "establishing a tense balance...[b]etween what they had brought and half preserved from the old world and what they were taking from the new." Because Jewish voters exhibited little active interest in politics—"becoming a Tammany meshores (messenger boy) didn't strike fathers and mothers as a worthy career for their sons," Howe asserted—the newer immigrants rarely forced the Irish hand.\(^{15}\)

By the first decade of the twentieth century, New York City Socialists began to win Jewish voters by advocating reforms such as better working conditions and an end to child labor. The increasing support Socialists received as a result of championing these issues also caught the attention of Tammany Hall. Following World War I, the Tammany machine joined with the Republican party to run a single candidate on both the Democratic and Republican ticket wherever a Socialist held office. These "fusion" tactics greatly diminished Socialist power in New York by the early 1920s. To retain control over the Lower East Side, Tammany politicians courted the Jewish vote without surrendering Irish-held offices by increasingly addressing issues of anti-Semitism.\(^{16}\)

\(^{15}\) Howe, World of Our Fathers, pp. 360-365, 368-371; McNickle, To Be Mayor of New York: Ethnic Politics in the City, pp.24-26, 28-29; Moore, At Home in America: Second Generation New York Jews, p. 203. Although, of course, Jewish immigrants were represented in all classes and a wide variety of occupations, they placed great value on education and careers in professions such as medicine and law. See Thomas Kessner, The Golden Door: Italian and Jewish Immigrant Mobility in New York City, 1880-1915 (New York: Oxford University Press, 1977), pp. 59-65, 87-89.

\(^{16}\) McNickle, To Be Mayor of New York, pp.24-28; Moore, At Home in America, pp.203-204; Waring, American Defender, pp. 67-68, 87-91. The willingness of Tammany Hall to address issues important to Jews may be viewed as little more than political expediency, but it may also indicate the presence of a more subtle dynamic. Although immigrants tended to migrate and settle within networks of friends, acquaintances and relatives of the same ethnic background, Charles Tilly argues that the assimilation process was one in which "members of networks whose identities and internal structures were themselves changing continuously negotiated new relations with other networks, including those in the country of origin." This "simultaneous transformation of networks, identities and relations with other groups" occurred in many spheres of activity, the most common of which was politics. Charles Tilly, "Transplanted Networks," in Immigration
By the 1890s a handful of young Jews were Tammany regulars, delivering messages and running errands for the bosses. At the turn of the century this handful was replaced by another group comprised of high school graduates and a few attorneys. They learned how to perform favors for their constituents—and to pressure people into returning a favor with a vote. But Jews were not yet fully embraced by the Irish power structure. By one contemporary’s estimate, during this period, Jews comprised thirty percent of the Tammany membership but only ten percent its leadership positions.¹⁷

One of the young men who learned the tricks of the Tammany trade was Sam Dickstein. His father brought his family to the United States from Russia in 1887 when the future congressman was eight years old. The Dicksteins embraced their new country and eagerly sought to instill in their son the “fundamentals of Americanism.” By the time he was a teenager, Dickstein had so thoroughly assimilated American values that he formed the Knickerbocker Club to counter the strong appeals that Socialists were making to new immigrants. Dickstein’s group rented a meeting room, printed leaflets and engaged in streetcorner debates intended to teach “immigrants to distinguish between the chaff of radicalism and the wheat of patriotism.” Although their activities often ended in streetfights with Socialists, the Knickerbockers tried their best to provide immigrants with basic instruction on the American government and the Constitution.¹⁸

In Tammany, Dickstein was content to be a messenger boy, a protégé of Irish leader and Manhattan Borough President John Ahearn. He discovered Dickstein when he heard the young man deliver a streetcorner campaign speech

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¹⁷ Howe, World of Our Fathers, pp. 368-371; Moore, At Home in America, pp.208, 217.
¹⁸ Waring, American Defender, pp. 19, 31-34, 54-55.
on behalf of Al Smith. Ahearn encouraged the Knickerbocker Club, even offering financial support at times, and promised to help Dickstein gain political office when the time was ripe. Meanwhile, Dickstein graduated from New York Law School and began his own practice. He continued to perform the favors that translated into votes, boasting, for example, that he defended, without compensation, 30,000 tenants in cases against landlords. Ahearn rewarded Dickstein by recommending him for the position of Special Deputy Attorney General investigating impure food violations for the state. While others, like Tammany favorite Henry Schimmel, focused solely on doing the bosses' bidding, Dickstein busily established his own following. With Ahearn's backing, he was appointed alderman, then twice ran for the state assembly as the Republican-Democrat fusion nominee against the Socialist candidates. Dickstein lost in his first try for the state assembly, but won a seat in 1918. After John Ahearn's death, Dickstein maintained close relations with his sons, Edward and William. With Edward's support, the machine chose Dickstein as its congressional candidate in 1922. Running again as a fusion candidate, Dickstein defeated the Socialist incumbent Meyer London.\(^\text{19}\)

As Dickstein's adolescent endeavors with the Knickerbocker Club suggested, he was no friend to radical ideas. This was, in fact, part of the

\(^\text{19}\) Waring, *American Defender*, pp. 52-54, 56-58, 62, 67-68, 74, 87-91; Goodman, *The Committee*, pp. 4, 11; Howe, *The World of Our Fathers*, pp. 371-376. The bosses never let their protégés forget who was really in charge. Louis Eisenstein tells a story about Dickstein visiting Eddie Ahearn in New York one winter day. Dickstein, now a United States congressman, was told that Ahearn wanted to speak with him but would need a few minutes. Ahearn instructed Dickstein to wait for him in the front of the building. Dickstein literally cooled his heels that snowy New York afternoon for an hour when Ahearn emerged only to feign surprise to find the congressman waiting. "Why should I have you wait in the middle of a blizzard? Do you think I'm crazy?," Ahearn smirked. "Go home and warm up." This, concluded Eisenstein, was Ahearn's way of letting Dickstein know that congressman or not, he was "still one of Eddie's boys." This story notwithstanding, according to his biography, Dickstein maintained a close relationship with both of John Ahearn's sons. Howe, *The World of Our Fathers*, pp. 375-376; Waring, *American Defender*, p. 39.
attraction he held out to Ahearn, who was looking for "a Yiddish-speaking antagonist to Jewish socialism."\(^{20}\) As an immigrant representing a district populated primarily by other former Eastern Europeans, Dickstein was able to draw a clear line between immigrants and immigrants espousing radical ideas. This willingness made him a lightning rod for criticism from congressmen who painted with broader strokes.

One congressman who equated immigrants with subversion was Dies. Elected to Congress in 1930, he represented the eleven counties of the East Texas Pine Belt. Occupying the same seat held by his father, Martin Sr., from 1909 until 1919, the younger Dies spent most of his adolescence in Washington D.C. working as a secretary to his father while attending the Cluster Springs Military Academy. Dies' district encompassed small farms as well as vast tracts of forest owned by large lumber corporations and timber magnates like John Henry Kirby. A 1939 account described this region as exploited by the lumber industry and populated by "large, clannish...undiluted Anglo-Saxon stock...religious, reserved, suspicious of any newcomer" and given to feuds, factors which would significantly shape the politics of both the elder and the younger Dies.\(^{21}\)

Raised on a farm, Martin Dies, Sr. was a newspaperman, lawyer, county judge of Tyler County and district attorney for the First Judicial District of Texas before his election to Congress. In his inaugural House speech in March 1909, Dies touched on the two issues that would play a large role in his congressional


career. He decried a protective tax as an "odious sectional tariff law" and he advised Republicans that to gain the support of the South and the West they had better "make haste to declare for the white man's domination of this Government and integrity of the caucasian race." Although his tariff stance would turn out to be based more on pragmatism than principle—the next day he offered to support a high tariff favored by lumber interests in his home district—the bigotry exhibited in his paean to the Caucasian "race," combined with a virulent nativism, would remain a dominant theme throughout his tenure in Congress.22

The elder Dies believed that immigrants were a danger to the nation. "I love this great Republic of free men," Dies intoned in a House speech, "and I pray the God of nations that free government may not perish from this land...I am not an alarmist, Mr. Chairman, but it is my deliberate conviction that our free institutions are in danger." That danger, Dies insisted, came from immigrants who lacked education and English language skills. Accustomed to despotism in their home countries they could not wisely participate as informed American citizens. The solution to this danger was to quarantine the United States against the influx.23

Working in his father's office, Martin Jr. familiarized himself with the congressman's views and adopted many as his own. After dividing his childhood and adolescence between the piney woods of East Texas and Washington D.C., Dies earned a bachelor's degree from the University of Texas, then attended law school at National University. He eventually returned to Texas as a lecturer at East Texas Law School and to a private practice in Marshall, Texas. Dies

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22Gellermann, Martin Dies, pp.16-17; Congressional Record, 61st Congress, 1st Session, March 25, 1909, pp.294-296.
23Native illiterates, Dies was quick to point out, did not pose a similar danger to the republic because they were raised in a free country and therefore able to understand and perpetuate the traditions of liberty. Gellermann, Martin Dies, pp. 17-18; Congressional Record, 61st Congress, 1st Session, February 10, 1910, pp. 2048-2057.
struggled to make it on his own by representing local prisoners too poor to pay for counsel. This entailed accepting payment in kind, including a horse and a car that he later discovered had been stolen. But Dies managed to eke out a living for a year and a half before his father called him home to join his practice in Orange.  

Although many of his contemporaries suspected that Dies had become a "professional patriot" out of sheer political calculation, while still a lawyer in Orange County he established a reputation as a man of principle when it came to matters of Americanism. Dies opposed the re-election of an incumbent county judge who was a Ku Klux Klan member, and he did not hesitate publicly to condemn the Klan as un-American and "bad for Texas." This prompted local Klansmen to burn the young attorney in effigy. Undeterred, when asked to preside over a local meeting in 1928 to discuss the Klan's activities, Dies strode in, laid his .45 caliber pistol on the table and called the meeting to order. In that same year, Dies created a stir when he walked out of church one Sunday after the pastor announced that "no Christian American" should support the presidential candidacy of Catholic Al Smith. Deciding that this was not an appropriately "American Christian" attitude, Dies proceeded to campaign for Smith, who carried Orange in the election.  

Two years later, enjoying the name recognition earned by his father and with the backing of the same lumber interests that supported the latter, Dies ran successfully for Congress. "Out in the hinterland he went," wrote the authors of Dixie Demagogues, "waving the flag, shouting 'America for Americans,' shaking

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hands with the hoary patriarchs of the clans and assuring them that as long as a Dies was in Washington an alien shadow would not darken their doorsteps. 26

At 6'3" and slightly over 200 pounds, Dies was tall and beefy with a boyish face and blond hair that continually fell in his eyes. He smoked eight cigars a day until ill health forced him to curb his habit in 1940. The twenty-nine year old freshman congressman had inherited his father's oratorical skills which, he later recalled, he honed by constantly expounding on any subject in grade school, college, in the shower or while mowing the lawn. By the time of his election to Congress he was reputed to be the best stump speaker in Texas. Dies also acquired a piece of advice from his father—"You can have many punctures, son, but don't have a blowout"—along with his father's reputation, politics and political cronies. 27

The House of Representatives had changed considerably since the Wilson administration, but one invaluable and powerful political ally remained from his father's time—John Nance Garner. Elected in 1903, Garner was well versed in the ways of the House. "The only way to get anywhere in Congress," he explained, "is to stay there and let seniority take its course." The same year that Dies won his election Garner became House Speaker. He took the young man under his wing and bestowed on him some of the benefits that seniority—and the Speaker's chair—brought. With the Speaker's support, Dies was appointed to five committees. One, the Immigration and Naturalization

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27 Gellermann, _Martin Dies_, p. 31; Michie and Ryhlick, _Dixie Demagogues_, pp. 33, 62-63; Dies, _Martin Dies' Story_, p. 58; Price, "We Investigate Dies," p. 72; "Martin Dies," _Chicago Sunday Tribune_.
Committee, when coupled with his disposition towards nativism, had the biggest ideological impact on the congressman.\textsuperscript{28}

Championing the same causes as his father, in his first House speech Dies offered a populist appeal to his home constituency by condemning the special privileges and protective tariffs that favored large industry in the marketplace while leaving small businessmen, farmers and laborers to fend for themselves.\textsuperscript{29} In addition to condemning monopolies that threatened small farmers and businessmen with a kind of economic feudalism, he soon tapped into his natural inclination toward nativism and began advocating restrictionist immigration policies. Dies made two basic arguments in favor of restricting immigration. First was the commonly asserted belief that given the massive unemployment of the Depression, the nation could not sustain new immigration. The second was the fear that immigrants imported their un-American "isms" into the country. Part of Dies' nativism could be traced to his upbringing, but his extreme aversion to foreign "isms" was based on more than a blind adherence to his father's views. He understood that nativism played well among the farmers and the small-town inhabitants comprising his constituency.

The link between immigration and unemployment was popular among politicians who found such a simple causal connection easier to explain than complex economic factors. Dies, for example, conceded that credit inflation followed by credit deflation, the introduction of labor-saving machinery, the disparity between agriculture and industrial prices and the decline of the export

\textsuperscript{28} Id. Garner helped Dies onto the powerful Rules Committee after a short time in Congress and Dies would repay Garner for his patronage many times over. Dies (and many other southern Democrats) defected from the New Deal in 1936 following the sit-down strikes of that year and a growing discomfort with the expanding welfare state. On Garner's behalf, Dies introduced a resolution to investigate the CIO and helped slow passage of the Wages and Hours bill. Lionel V. Patenaude, \textit{Texans, Politics and the New Deal} (New York: Garland Publishing, Inc., 1983), pp. 43-44, 68.

\textsuperscript{29}Congressional Record, 72d Congress, 1st Session, December 17, 1931, pp. 732-737.
trade, all contributed to unemployment. Nevertheless, these factors, he insisted, were all secondary. "If we had not permitted millions of aliens to enter this country," Dies argued, "the secondary causes...would not have been sufficient to produce any serious unemployment...." The relationship between the continuing economic crisis in the United States and immigration, to Dies, was clear: "Eight million employable Americans now are out of work. Meanwhile there are eight million aliens in the United States....Of our eight million alien residents, it is estimated further, one and a half million are on relief." Armed with these arguments, Dies embarked on a quest to halt immigration by persistently introducing deportation bills and legislation seeking the suspension all immigration for varying periods of time.³⁰

But while he frequently couched his objections to immigration in terms of the nation's present unemployment problems, Dies also betrayed baser reasons for restricting immigration. "When this country was established," he observed, "over 80% of its population was British in origin and about 90% was Nordic...It was this homogeneous race that produced the extraordinary group of men of talent and ability...who represented the colonies at the Convention of 1787 at Philadelphia." From 1790 until 1860, he continued, most of the immigration came from Ireland and Germany, and the "racial unity of the United States was intact." The crisis in immigration did not emerge until after the Civil War when "the great alien invasion of the United States took place," with most immigrants coming from southern and eastern Europe. An open immigration policy "introduced into our midst alien political, economic, and social ideas," Dies

³⁰Speech broadcast by NBC, May 6, 1935, Box 158, File 25, Martin Dies Papers, Sam Houston Regional Library and Research Center, Liberty, TX (SHRL); Congressional Record, 74th Congress, 2d Session, February 3, 1936, pp. 1367-68.
announced, cautioning, "[t]here can be no compromise between the American system and the foreign."\(^{31}\)

Immigration, therefore, was a danger to the nation both because of continuing unemployment and because aliens imported radical ideas into America. "On May 1, while I was in New York," Dies informed a radio audience, I witnessed a parade of 100,000 Communists. I did not see an American in the crowd. Many of them are aliens that should be deported and others are foreign born who should have their naturalization papers canceled.....There is no middle ground or compromise. Either we are for or against America. If we are for America, we must be for the exclusion of new-seed immigrants and the deportation of those unlawfully here.

Dies' effort to equate immigrants with radical political movements was not without substance. Both the Socialist and Communist parties relied on their large foreign-born contingents. Nevertheless, only a small percentage of immigrants were attracted to such left-wing organizations. Most immigrants were conservative, opposing even mainstream American reform movements. But Dies failed to make such distinctions, concentrating not on the immigrant population as a whole, but on the percentage of immigrants in left-wing politics.\(^{32}\)

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A sampling of Dies' proposals on immigration exhibit the manner in which he associated subversion and immigration. In 1931-1932, he proposed a resolution prohibiting the naturalization of aliens of questionable allegiance, a bill for the expulsion of "alien international political communists," and several bills for the exclusion or expulsion of alien communists.33

Because of their radically different perspectives, Dickstein and Dies, sitting together on the Immigration and Naturalization Committee, were often a volatile combination. In speaking engagements, newsreels, radio addresses, and small-town Americanism rallies featuring high school marching bands and pep squads, Dies promised "American jobs for American people and the exclusion of foreign immigrants." Utilizing the new technology of radio to reach national audiences, he called attention to the problem of immigration: "We must ignore the tears of the sobbing sentimentalists and internationalists, and we must permanently close, lock, and bar the gates of our country to new seed immigration and then throw the keys away." For his part, Dickstein tried to counter Dies' radio pronouncements on immigrants: "...[O]ne person out of every three in this country is of foreign birth or foreign parentage," Dickstein noted. "We are fundamentally a fair, a just, and a tolerant people. There must, therefore, be a reason for this prejudice. That reason lies, I am convinced, in the efforts that have been made to paint the alien as a menace to our form of government, to our jobs, and to our standards of living."34

33Congressional Record, 72d Congress, 1st Session, January 25, 1932, p.2693; February 19, 1932, p.4407; April 15, 1932, p. 8340; May 6, 1932, p. 9755; May 7, 1932, p.9803; 74th Congress, 1st Session, May 10, 1935, p. 7320.
34"Dies Flyer," Box 95, File 21; "Radio Address by Congressman Martin Dies," January 27, 1934, Box 158, File 21; "Program: Americanism and Patriotic Rally," Box 156, File 32; Smith Ramsey to Martin Dies, January 13, 1936, Box 95, File 11, Martin Dies
Like Dies, Dickstein's anti-subversive credentials appeared on the surface to be above suspicion. He supported Hamilton Fish's 1930 resolution condemning religious persecution in Russia; in 1933, he called for an investigation of anarchists after an assassination attempt on president-elect Roosevelt; and he moved to suspend the House rules to speed the consideration of Dies' bill, H.R. 12044, which advocated the exclusion and removal of alien Communists. Dickstein's long-standing fear of the rise of anti-Semitism had culminated in his leading the movement for the creation of the McCormack Committee to investigate Nazi propaganda in the United States. An active participant in this investigation, Dickstein not only proved himself a zealous enemy of Nazism, but zealously attacked communism as well. Nevertheless, to many congressmen his reputation on immigration issues remained suspect.  

As long as he continued to distinguish between desirable aliens and those who advocated radical ideas, Dickstein would never win the approval of anti-immigrationists. In the debate over H.R. 12044, for example, Dickstein urged his colleagues to refrain from punishing "aliens who are not really alien communists in the true sense of the word, except that they mingle with real alien communists...." For every bill Dickstein introduced calling for the deportation of indigent aliens, or of habitual criminals, or of alien seamen smuggled into the United States, he would undermine his credibility with the anti-immigration bloc by stating that immigration and naturalization must be considered "a human problem more than a legal problem." Moreover, Dickstein reinforced the suspicions of the anti-immigrationists by seeking such measures as equalization

Papers, SHRL; *Congressional Record*, 74th Congress, 1st Session, July 9, 1935, p. 10861.

of the citizenship rights of male and female immigrants, reduction of fees in
naturalization proceedings, stays in the deportation process that resulted in
undue hardship on aliens of good character, and amending deportation laws that
would require the expulsion of Russian refugees whom Dickstein repeatedly
assured his colleagues "...were absolutely opposed to communism...[and] of the
finest element of Russia." "I am trying to protect the innocent alien, who is trying
to live and let live, who is trying to raise his family, who wants to be somebody,
who wants to be an American," Dickstein pleaded to little avail, "and we do not
give him opportunity, because we introduce year in and year out a number of
obnoxious bills which put the fear of God into all of them."36

Dickstein urged also the reuniting of immigrant families. In 1924, the
United States clamped down on immigration by establishing restrictive quotas.
As Chair of the Immigration and Naturalization Committee, Dickstein worked for
the exemption of parents and spouses. Noting that quotas restricted to a trickle
the flow of immigrants from southern and eastern Europe while granting to
favored Great Britain between 75,000 and 80,000 of the 150,000 total quota,
Dickstein sought to create an exception for spouses and parents of immigrants
already here. These individuals, he argued, would not threaten American jobs
since they would be coming to America as dependents of their working children
or spouses.37

36 Congressional Record, 72d Congress, 1st Session, June 6, 1932, p.12105; 73d
Congress, 1st Session, March 5, 1934, p. 3735; April 25, 1934, p.7329; May 7, 1934,
p.8262; June 4, 1934, pp.10432-33; June 15, 1934, pp.11781-82; February 6, 1934, p.
2067; 74th Congress, 1st Session, August 23, 1935, p. 14732; 71st Congress, 2d
Session, February 18, 1930, p. 3887.
37 Congressional Record, 71st Congress, 2d Session, February 18, 1930, p.3889; 72d
Congress, 1st Session, July 13, 1932, p.15292; Immigration Quota Act of 1924, 43
Stat. 153. On immigration restrictions, quotas and relatives of United States citizens,
see Harper and Chase, Immigration Laws of the United States, pp. 51-55, 100-102, 116-
117.
Dickstein expressed surprise that House members opposed his efforts to establish such "humane" exemptions. But Dies conveyed the attitude of many of his colleagues when he noted in a radio address that the same individuals who for decades had argued for the open immigration policies that led to massive unemployment and the introduction into the U.S. of alien ideas, had begun to profess restrictionist views now that public and congressional sentiment was overwhelmingly in favor of halting the immigrant influx. Dies warned his audience that this was merely political strategy. These individuals hoped to continue immigration under the guise of "the uniting of families." Dies labeled Dickstein as the person most notorious for engaging in this type of subterfuge. "The wolf put on sheep's clothing," said Dies, "and began to bleat about hardship cases and divided families...." These hardship cases, he argued, were exaggerated and the facts misrepresented in an effort to pass a series of bills aimed at weakening immigration laws in a piecemeal fashion.38

Frustrated by the enmity he aroused among some House members, Dickstein complained of Texas Representative Thomas Blanton:

I find that a particular gentleman seems to take personal issue with me at every opportunity, and no matter how meritorious the immigration legislation proposed may be, he finds time to object to it. In addition...he makes a very fine speech the next day in which he brands me as one who believes in an open-door policy of immigration.

Dickstein failed to see that only his support of a complete halt to immigration would satisfy restrictionists. "Mr. Speaker," Blanton grumbled in response, "the trouble has been that we never have been able to get a chairman of the committee who is in favor of stopping immigration. We...want immigration stopped, so that Americans will not have their jobs taken away from them by

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38Congressional Record, 71st Congress, 2d Session, April 14, 1930, p. 7037; Dies, "The Immigration Conspiracy," Box 158, File 27, Martin Dies Papers, SHRL.
foreigners...." Blanton's assessment that Dickstein was not completely in their
camp was accurate, for Dickstein considered himself a guardian against the
"reign of terror [that] has been created by the unthinking threats of mandatory
and wholesale deportation of aliens."^39

Judging the threat that immigrants posed to American jobs required an
accurate estimate of the number of aliens in the country. In committee meetings
and on the House floor Dickstein and Dies battled over census figures. In 1935,
Dies and Blanton utilized the immigration figures from the 1930 census as
evidence to support a ten year moratorium on immigration. Dickstein, however,
questioned reliance on the 1930 census because it no longer reflected those
aliens who had died, left the country, or become American citizens. He sought
exceptions that would allow families to reunite in the United States. In the floor
debate, Dickstein told Dies that a complete restriction would result in "cutting off
mother from father, and mother from child, and almost putting a high fence
around the United States by some of the wood we find around the gentleman's
district...." He could not understand the anti-immigrationist bloc's refusal to
compromise. "Bring a bill in before this committee that will relieve this country
from smugglers and dope peddlers and gunmen, and I am with you," he cried.
"What is all this clamor about restriction when you have practically every
restriction you want under the present law?" Exasperated, Dickstein turned to
Dies and pleaded, "The gentleman has served with me in Congress, he has
served with me on the Committee, and I claim that he cannot maintain or say

^39Congressional Record, 74th Congress, 1st Session, May 16, 1935, p.7700; 74th
Congress, 2d Session, May 26, 1936, p. 7979; 73d Congress, 1st Session, February
19, 1934, p. 2772. Noting Blanton's antipathy, Dickstein's biographer attempted to
make light of the conflict, stating, "The House is always assured of an amusing
performance when unscheduled bouts, Dickstein vs. Blanton, are in the offing." Given
the tone of these debates and Dickstein's reactions to them, it is unlikely that he found
them as amusing. Waring, American Defender, p. 115.
that I have been unfair in my conduct." Cutting to the heart of the matter, Dies responded, "I do not think the gentleman is bona fide in favor of restriction, and I do not blame him; he represents a district where 80 percent are opposed to it. We might as well be frank about it."\(^{40}\)

Dickstein's difficulties on the immigration issue followed him into his campaign against subversive activities. He had watched with alarm the rise of anti-Semitic and Nazi organizations in the United States. These organizations linked the Depression, the New Deal and increasing European tensions to international Jewish conspiracies.\(^{41}\) The rise of these groups, along with reports that large numbers of Germans were in the United States disseminating pro-German propaganda without proper authority, prompted Dickstein to appoint a subcommittee of the Immigration and Naturalization Committee to study the issue. The results of this nine month inquiry convinced Dickstein of the need for a more formal investigation, which he proposed to the House in 1934.\(^{42}\)

In the ensuing debate, one of the objections raised by House members was that the most recent committee assigned to investigate un-American

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\(^{42}\) Waring, *American Defender*, pp. 120-123; H. Res. 198 (1934).
activities, the 1930 Fish Committee, had spent $19,000 over a period of several months, but accomplished nothing. New York Representative Hamilton Fish's first proposal for an investigation of domestic Communist activity had died in the Rules Committee. But public and congressional interest in the subject intensified following testimony before the House Committee on Immigration and Naturalization in which New York City police commissioner Grover Whalen presented documentary evidence that the Amtorg Trading Corporation had been disseminating Communist propaganda in the United States. Although the documents were later proved to be forgeries, it was enough to prevent the Rules Committee from killing a new investigation proposed by another New Yorker, Representative Betrand Snell. Fish was chosen to lead this inquiry into Communist propaganda, including the activities of the Amtorg Trading Corporation, the Daily Worker, the Communist International, and all groups that "advise, teach or advocate the overthrow by force or violence the government of the United States."^43

Fish, who knew little about the subject he was investigating, approached his committee's hearings with neither standardized procedures nor an organized plan of action. The hearings, held from June to December 1930, consisted primarily of witnesses presenting brief statements accompanied by voluminous documents. Most of the witnesses were anti-Communists, although toward the end of the inquiry, the committee did subpoena some Communists to appear. The committee had no attorney on staff, nor did it hire any investigators except for a few assignments that lasted one or two days at a time. In the end, the

^43 Fish's original resolution was H. Res. 180, Congressional Record, 71st Congress, 2d Session, March 5, 1930, p. 4848; Snell's successful resolution was H. Res. 220, Congressional Record, 71st Congress, 2d Session, May 12, 1930, pp. 8810-8811; May 22, 1930, p. 9390; Ogden, The Dies Committee, pp. 20-22; Carr, The House Committee on Un-American Activities, 1945-1950, pp. 12-13; Goodman, The Committee, pp. 6-7.
committee heard from 225 witnesses in fourteen cities and still managed to return to the Treasury $5,000 of its $25,000 appropriation.\footnote{Ogden, \textit{The Dies Committee}, pp. 24-25; Goodman, \textit{The Committee}, pp. 7-8, 13; Carr, \textit{The House Committee on Un-American Activities}, p. 13.}

The House members who later criticized the Fish Committee were motivated less by its hearing procedures than by its final report. The report defined communism, outlined the history of the Communist Party in the United States, listed various organizations related to the Communist Party, and discussed communism on college campuses, in youth groups and in organized labor. The committee announced that Whalen's charges against Amtorg were not supported by the evidence and estimated that although there were some 500,000 to 600,000 Communist sympathizers in the United States, the Communist Party could claim a dues-paying membership of only 12,000. Overall, the report concluded that Communist propaganda in the United States was negligible. Yet despite these findings, the Fish Committee offered thirteen legislative recommendations, including creating a new section within the FBI to investigate subversive activities, deporting all alien Communists, increasing funding to the Immigration Bureau, prohibiting the interstate mailing of Communist literature, and outlawing the Communist Party. More controversial suggestions included asking for an embargo on all Russian imports and that the State Department seek permission for Treasury agents to travel to the Soviet Union and investigate whether it was using forced labor in its timber camps. While some of these recommendations were reasonable, House members considered most of them to be excessively harsh given the committee's conclusion that the nation faced little threat from Communist propaganda. Still others, such as the recommendation that American agents be sent to inspect the timber industry of a foreign nation not yet officially recognized by the U.S.
bordered on the absurd. The House acted on none of the suggested legislation with the exception of a bill to deport alien Communists, which the House passed, but it died in the Senate in 1932.45

The disconnect between the Fish Committee's findings of little Communist influence and its harsh legislative recommendations, soured some House members on future investigations of un-American activities. Wisconsin's Thomas O'Malley, for example, opposed Dickstein's proposal to investigate American Nazism because he considered the Fish investigation to have been "an absolute waste of the taxpayer's money to support [one congressman's] pet hobby." Agreeing with this assessment, Blanton complained that Fish had only discovered "what every posted person on the subject already knew." "[L]arge volumes of hearings were printed and few people have ever read them," Blanton complained, "and nothing had been done to stop communism." Gerold Boileau worried that a new inquiry would merely cover the same ground already traversed by Fish.46

But the failings of the Fish Committee comprised only part of the objections raised to Dickstein's proposal. No internal threat of Nazism would exist, Blanton claimed, had Dickstein not worked so tirelessly to bury immigration restrictions as chair of the Immigration and Naturalization Committee. "[H]e is

46 Congressional Record, 73d Congress, 2d Session, March 20, 1934, pp. 4937, 4939.
responsible for aliens coming here," Blanton charged. "He is responsible for foreigners coming here to take the jobs of Americans. He is responsible for these propagandists getting in here to preach their Nazi poison." Moreover, some House members expressed concern that this inquiry might be converted from an investigation of Nazi propaganda in the United States to an inquisition about the German government and the persecution of Jews in Germany. As these concerns were raised Dickstein and his supporters repeatedly reassured their nervous colleagues that the investigation would concern itself only with "an American proposition, in matters that are going on in the United States that are subversive to our government." Congressmen from states with large German populations, including Wisconsin's Boileau and Nebraska's Terry Carpenter, feared that the base of support for the inquiry came from Jews lashing out at German-Americans who supported Hitler. Although the House passed the resolution, taking these concerns into consideration and wanting to avoid any appearance of bias that might result if the committee was chaired by a Jew, Dickstein refused the tendered appointment. It was imperative to Dickstein that Nazi propaganda be perceived as an "American issue" not a Jewish one. As such, noted Dickstein's biographer, Dorothy Waring, the chairman needed to be "a Christian with a distinguishably Anglo-Saxon name." After Dickstein refused the position, House Speaker Henry Rainey appointed John McCormack of Massachusetts.47

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The McCormack-Dickstein Committee, as it was popularly known, investigated Nazi propaganda activities, subversive propaganda disseminated in the United States from other countries, and related issues that might aid Congress in passing appropriate legislation. The McCormack Committee held twenty-four executive sessions closed to the press and public before ever holding an public hearing. After culling through the usual sampling of crackpots and witnesses with little to offer, it conducted seven public hearings. This procedure reduced the chances of unverified, sensational testimony being made public. Because of McCormack's calm demeanor and reasonable questions, and the fact that he allowed witnesses to be accompanied by counsel, he has generally been credited with conducting the hearings on a high plain. When Dickstein was left in charge of the proceedings, however, the tenor of the hearings deteriorated as he tended to bully and badger witnesses. Scholars often present the verbal blows he exchanged with the editor of Healey's Irish Weekly as an example of Dickstein's inability to control his emotions while acting as chair. Perhaps he should be forgiven for this lapse, given that Healey appeared to be baiting his inquisitor with continual references to the "radical Jewish minority influence in Washington." Overall, however, the improved procedure resulted in fewer complaints of demagoguery against McCormack's investigation than against the earlier, media intensive Fish Committee. All of the complaints related to Dickstein's zeal in questioning witnesses and dealing with the press.48

The committee report, issued February 15, 1935, included sections on communism and native fascist groups in addition to American Nazi

organizations. The committee listed organizations founded on racial and religious hatred such as William Dudley Pelley's Silver Shirts. In agreement with the basic findings of the Fish Committee, the McCormack-Dickstein report concluded that the Communist Party then posed little threat to the country, but that given its rapid growth, it might present a danger in the future. The committee's primary concern, however, were native pro-Nazi organizations such as the Friends of New Germany (forerunner to the German-American Bund) and propagandists like Carl Byoir, George Sylvester Viereck and Fritz Gissibl. The committee concluded that the youth camps sponsored by the Friends of New Germany were pro-Nazi and anti-American. More worrisome was the finding that Germany financially supported these native propagandists, sending them money via German consuls and diplomats. It did emphasize, however, that the vast majority of German-Americans were loyal citizens and that any tendency toward Nazism had been checked by the negative publicity generated by its inquiry.49

Of six legislative recommendations made by McCormack-Dickstein, Congress enacted two into law. Congress failed to enact the proposals granting to the Secretary of Labor the power to shorten temporary visas of any visitor engaged in propaganda activities; that the Department of Labor and State negotiate treaties in which nations agree to receive their nationals deported from the U.S.; making it unlawful to advise any member of the armed forces or reserves to disobey military regulations; and, that it be unlawful for any person to advocate change in government in such a way that incites others to overthrow the government of the United States. Congress did enact legislation granting to committees outside of Washington D.C. the same subpoena powers they possessed within the nation's capital. And in 1938, Congress passed the

McCormack Act requiring the registration of all agents of foreign countries disseminating propaganda in the U.S.\textsuperscript{50}

Despite the conclusion of the McCormack Committee that most German-Americans were loyal citizens, the investigation confirmed Dickstein's fears that fascism posed a serious threat to the nation. He was determined to continue probing the matter. Evidence of Nazi activities in the United States convinced Dickstein of the need for another investigation, but this time, one conducted by a committee granted greater funds with which to work and an enforceable power of subpoena. Having authorized both the Fish and the McCormack investigations, however, the House was reluctant to undertake any further inquiry. Dickstein persistently appeared on the floor of the House to offer warnings and present examples of Nazi activity in the United States. He sought allies from any source he thought he might convince. In 1936 and 1937, Dickstein attempted to call President Roosevelt to his cause. Cautioning the President about a "whispering campaign" being conducted against him and his administration by hate groups, Dickstein urged Roosevelt to support another investigation into subversive propaganda. Although Roosevelt was certainly aware that the likes of Pelley's Silver Shirts regularly printed propaganda labeling his administration the "Jew Deal," Dickstein's entreaties had little effect. The congressman pleaded with Roosevelt's secretary H.M. McIntyre that "one word from [the President] would

\textsuperscript{50}Investigation of Nazi and other Propaganda, Special Committee on Un-American Activities, House Report No. 153, 74\textsuperscript{th} Congress, 1\textsuperscript{st} Session, February 15, 1935, pp.23-24; Ogden, The Dies Committee, pp. 36-37; Goodman, The Committee, p. 14; Rickenbacker, "A Short History of the Committee," pp. 96-98. The McCormack Committee ran into problems in calling witnesses when it carried on its inquiry outside of Washington and when Congress was adjourned. Witnesses simply did not respond to subpoenas and a special committee had no recourse under existing law. The legislation remedied the situation, making it a crime to ignore a committee subpoena whether or not Congress was in session. Congressional Record, 75th Congress, 1st Session, February 17, 1937, p.1336.
be more than sufficient to pass this resolution," but he received no assistance from the White House.\textsuperscript{51}

By the mid-1930s, Dickstein focused his attack against foreign and domestic subversive activity, but he was also aware that many dismissed his exhortations as based on his personal bias against Germany. "Oh, I know," he admitted in a 1936 speech, "some Members of Congress perhaps resent my getting on this floor because I happen to be of Jewish faith, but I still claim to be American, just as good as they are, and I want to see that everything that is done shall be done for the welfare of all the people of my country." The following year Dickstein reassured his colleagues that his desire to investigate Nazi propaganda was "not a Jewish question, nor a Catholic question, nor any other religious question....This is a 100\% American question...." His detractors, however, remained unconvinced.\textsuperscript{52}

Since his term in the New York State Assembly, Dickstein's reputation was that of a man suffering from race consciousness and feelings of inferiority. As a young man he dedicated himself to losing the accent he had developed from speaking Yiddish at home. During the early stages of his career, Dorothy Waring observed, "he was inclined to relegate his failure to race prejudice where it existed or not." He had also earned a reputation for the "defensive seriousness with which he treated everything." He took it personally when a bill he had sponsored failed to pass. Waring credited Dickstein with having lost this

\textsuperscript{51}Letter, Samuel Dickstein to Franklin D. Roosevelt, November 17, 1936; Letter, Samuel Dickstein to H.M. McIntyre, October 19, 1937. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio.

defensiveness and inferiority by the time he was elected to Congress. Regardless of whether this was true—Waring's account of Dickstein's life tends toward the hagiographic—his belief that his colleagues objected to a new investigation because he was Jewish were well-founded.⁵³

Dickstein found himself waging two battles, one against members of the House who believed that he was seeking public appropriations for what was essentially a Jewish matter, and another battle against Jewish leaders and segments of the Jewish press who believed Dickstein's efforts would result only in a backlash against American Jews. Predating the McCormack Committee, Dickstein's clash with Jewish leaders began when he conducted his first investigation of Nazi propaganda as a subcommittee of the Immigration and Naturalization Committee. Although informal in nature, this inquiry had already begun to arouse attention in certain quarters. Among those worried that Dickstein was doing more harm than good was Samuel Untermeyer, President of the World Jewish Federation and the Non-Sectarian League for the Defense of Jewish Rights. In 1933, Untermeyer told Dickstein that his informal investigation seemed to level many charges, but offered little supporting evidence. Dickstein replied that the most damning evidence had been heard during executive sessions. But this was precisely what bothered Untermeyer—unless this evidence was made public, he feared a lack of support for a full investigation, resulting in an embarrassing defeat. Dickstein understood the argument, but his primary concern was proving to Congress that the nation was confronting a serious problem. The failure of his fellow-Jews to come to his aid prompted Dickstein to complain that, "I believe I have received the cruelest deal ever accorded to any man from the leaders of the various [Jewish] groups." Nct only

⁵³ Waring, American Defender, pp. 71-73, 101-102, 117.
did they not cooperate, they threw obstacles in his path. Although the Anti-Defamation League had twenty investigators working on the same topic, it provided no assistance to Dickstein. The American Jewish Committee, the American Jewish Congress, and B'nai B'rith were all equally unavailing. This lack of support convinced Dickstein that "there must be a re-organization of the leadership in Jewry. This lack of sympathy and lack of cooperation is beyond endurance." 54

Dickstein's efforts to create another committee intensified in January 1937, when he continued his assault on alleged subversive organizations on the House floor. His colleagues continued to worry that he would offend German-Americans by unfairly targeting Germany. They found ample evidence for their criticisms in Dickstein's diatribes which quickly moved from condemning "black-hooded wings and white-hooded wings and brown shirts and blue shirts and dirty shirts spreading throughout this country of ours," to the election of Adolph Hitler as Chancellor of Germany, to the spread of fascism and dictatorship across Europe. Fortunately for Dickstein, when he spoke about the creation of a Nazi youth army in the United States and informed the House that he would soon

54 Letter, Samuel Untermeyer to Samuel Dickstein, December 20, 1933; Letter, Dickstein to Untermeyer, December 1933; Dickstein to Untermeyer, February 10, 1934; Untermeyer to Dickstein, May 3, 1934. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio. Although he had been critical of Dickstein's investigation into Nazi activities on the Immigration and Naturalization Committee, Untermeyer was generally supportive of Dickstein's efforts. He commiserated with Dickstein regarding the lack of Jewish backing. At this time Untermeyer was attempting to organize a boycott of German goods sold in the United States, but he, too, was unable to count on the support of various Jewish groups. Untermeyer to Dickstein, May 3, 1934. The fear of drawing attention to Jewish "otherness" had an impact not only on Dickstein's proposed investigation and the boycott of German goods, it also brought Jewish leaders into conflict regarding the appropriateness of pressuring Roosevelt regarding Hitler's treatment of Jews and the issue of allowing German-Jewish refugees into the United States. See Arad, America, Its Jews, and the Rise of Nazism, pp. 57-59, 104-109, 113-114129-183; Schonlick, The New Deal and Anti-Semitism in America, pp. 28-37; Dinnerstein, Antisemitism in America, pp. 123-127.
bring a resolution to the floor seeking an investigation into these activities, he was joined by John McCormack. The two had become friends since co-chairing the earlier inquiry. The much maligned Dickstein welcomed McCormack’s voice as evidence that he was not merely suffering from paranoia. McCormack spoke of the need for a new investigation, arguing as Dickstein had on several occasions, that the small appropriation their committee received and problems with enforcing subpoenas had prevented it from conducting a more thorough investigation the first time.  

In February and March 1937, Dickstein was again before the House arguing to little avail for another inquiry. In April, he offered House Resolution 88, seeking an investigation of the spread of "un-American propaganda." Dickstein attempted to prepare the way for his resolution not merely through speeches in the House, but through a letter writing campaign to an array of organizations generally receptive to patriotic entreaties to halt the spread of subversion. Resolutions in support of Dickstein’s investigation poured in from American Legion branches across the country. Other organizations, such as the American Federation of Labor, were reluctant to commit support for fear that freedom of speech, press and assembly would be threatened. But of the flurry of correspondence that passed over Dickstein’s desk before the House debate on H.R. 88, the most prescient came from one of his New York constituents. "Why not stop the hullabaloo about the Jews and the Nazis?" asked S.E. Bilik. "You are doing endless harm by keeping the Jewish question in the newspaper.

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55 Congressional Record, 75th Congress, 1st Session, January 26, 1937, pp. 430-431, 434. In this speech, as in many others he delivered, Dickstein did not reserve his ire for the fascist threat. Communism and fascism, said Dickstein “are equally obnoxious to our democratic form of government.” The sincerity of Dickstein’s condemnation of communism is thrown into doubt by recent revelations that Dickstein engaged in espionage on behalf of the Soviet government. Congressional Record, January 26, 1937, p. 432. For an account of Dickstein’s espionage activities, see Allen Weinstein and Alexander Vassiliev, The Haunted Wood (New York: Random House, 1999).
headlines....I just don't think that shouting from the house-tops helps our cause."56

The issues raised in the acrimonious House debate on H.R. 88 were the same ones debated every time that Dickstein proposed an investigation. The primary rationale put forth to justify another inquiry was the need to inquire into the Dickstein's claim that foreign governments, mainly Germany, were filtering money into the United States to fund organizations that sponsored youth day camps involving oaths of allegiance to a foreign country, military drills in uniform, and questionnaires regarding enlistment in a foreign military service. As with the McCormack Committee in 1934, Dickstein's zeal precluded him from consideration for the chairmanship of this investigation. Indiana Representative Arthur H. Greenwood, a supporter of the inquiry, assured his colleagues that the Speaker would not choose Dickstein to serve. "I am not suggesting what the Speaker ought to do," said Greenwood, who then went on to suggest what the Speaker ought to do. "We have full confidence that he will select a committee that has no predilections or prejudices to be satisfied." In another thinly-veiled reference to Dickstein, North Carolina Representative Lindsay Warren condemned congressional investigations of this type as "generally for the self-glorification and advertisement of those who conduct them...." Warren later privately assured Dickstein that his comments were directed "generally" toward "investigations of this nature," not at Dickstein personally. Warren reminded him that in the same speech he had praised the McCormack Committee Report and criticized the House for failing to enact all of its recommendations. Regardless of

56 American Legion to Samuel Dickstein, April 4, 1937; William Green to Samuel Dickstein, February 1, 1937; S.E. Bilik to Samuel Dickstein, April 3, 1937. Samuel Dickstein papers. American Jewish Archives, Cincinnati, Ohio.
Warren's denial that he meant the comment personally, the depiction of Dickstein as publicity-hungry and glory-seeking took hold.\textsuperscript{57}

Despite the nagging suspicion that Dickstein was conducting a crusade, Greenwood admitted to being disturbed by the evidence regarding Nazi camps and propaganda. New York's Daniel Reed suggested that Congress utilize information gathered on subversive activities by the Justice Department as a basis for remedial legislation. Warren agreed, noting that the Justice Department, FBI, and Postmaster General could more efficiently fight against subversion. The House did not need more fact-finding. The Fish and McCormack investigations had filed reports and proffered legislative recommendations, but nothing came of them. The earlier investigations had provided all the information necessary to take legislative action. "Let us resurrect bills which the able gentleman from Massachusetts [Mr. McCormack] brought out here at the last Congress and pass them," urged Warren, "and not go ahead and create another investigating committee every time anyone says 'boo' at Congress."\textsuperscript{58}

The argument Reed and Warren were making had to do with the purpose and function of legislative investigations. A primary goal of congressional inquiries was and is to identify problems and gather information on which to base legislation. But McCormack countered with an argument based on another purpose of investigations, the informing function. In instances where legislation would prove inadequate to address an issue, investigations served to notify the public of the existence of a problem. In the present case, the trouble with legislating against so-called subversive activities, he observed, was the difficulty

\textsuperscript{57}\textit{Congressional Record}, 75th Congress, 1st Session, April 3, 1937, pp. 3284, 3287; Lindsay C. Warren to Samuel Dickstein, April 29, 1937. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio.

\textsuperscript{58}\textit{Congressional Record}, 75th Congress, 1st Session, April 3, 1937, pp.3285, 3288.
in drafting bills that restricted odious behavior without trampling the constitutional rights of free speech and assembly. As a result, there were few laws directed at un-American organizations. Subversives continued their activities unmolested because the Justice Department and the FBI could not intervene where no federal law had been broken. But, McCormack continued, the greatest power in the nation, "greater than President, Vice President, Senator, Congressman, Governor, or anyone else elected or appointed to public office," was "the public opinion of the United States." Because constitutional protections prevented the drafting of strict laws, Congress should authorize an investigation as the most effective means to combat these groups by "arousing public opinion." 59

Although McCormack's argument was a correct statement of the informing function of a congressional investigation, it was precisely the arousal of public opinion that concerned many in the House. Another investigation, this faction argued, would result in racial and religious intolerance. It was not merely annoyance at what Minnesota's Harold Knutson referred to as Dickstein's "ill-tempered statements...against the German people," but fear of a backlash against Jews. To prove their point both Knutson and Warren referred to an editorial from the March 26 American Hebrew. The newspaper claimed that "American Jewry at large" did not want another investigation because "bigotry and intolerance of the ages cannot be stopped by a congressional head-hunting expedition." The paper worried that another inquiry would result merely in a daily parade of "anti-Jewish drivel." Texan Maury Maverick agreed that the passage of this resolution would cause a "boomerang of intolerance, and return to curse those who favor it." Not content to merely argue that a backlash might result, Maverick took the opportunity to ridicule what he believed was Dickstein's desire

59Congressional Record, 75th Congress, 1st Session, April 8, 1937, p. 3288.
for a witch-hunt. "All we ought to do," suggested Maverick, "is to have Mr. Dickstein get up and have somebody parade before him with a swastika in front of him, get plenty of pictures and end the whole business. That would be the best for all." Maverick did not mince words. "Kill this resolution," he insisted. "Cut it down."  

Heeding Maverick's advice, the House rejected the resolution by a vote of 184 to 38. As difficult as it must have been for Dickstein to endure this debate, he came away knowing exactly whom to blame. "May I say in brief," Dickstein wrote Rabbi Max Malina of the German Jewish Congregation, "that the party responsible for the defeat of this investigation can be laid at the door of the American Hebrew." To Walter Winchell, Dickstein wrote, "It will be amazing to you and to others to discover for themselves how this little subsidized magazine with a circulation of 1200 undertakes to speak for four million Jews in America, and in doing so sees fit to make a Jewish issue out of something which is not Jewish at all." Winchell's flippant reply was to ask, "Are you sure the editor of it is not working for Adolf?" For Dickstein the great betrayal of the American Hebrew, which had previously supported and actively covered the McCormack investigation, was that it portrayed his desire for an investigation as a "Jewish issue." "I never based this fight on Jewish principles," Dickstein repeated like a mantra. "My fight was simply on un-Americanism...." For Dickstein, who felt as though he had "suffered with this problem without the help of our Jewish people for four years," this last betrayal was particularly bitter.  

60 Congressional Record, 75th Congress, 1st Session, April 8, 1937, pp. 3287, 3289.  
Although Dickstein received a considerable amount of mail from his constituents praising his efforts on behalf of immigrants and his exertions to stop American Nazism, his support among Jewish newspapers was tepid. An editorial released by the International Jewish Press Bureau agreed that a new investigation was needed, but denied that the American Hebrew was responsible for the death of H.R. 88. It did acknowledge, however, the conspicuous silence of the American Jewish Congress, the American Jewish Committee, B’nai B’rith, and the ten other Jewish members of the House. Although this editorial, along with a handful of others, supported Dickstein, his detractors appeared to be legion. Louis Yale Borkon of the Jewish Leader wrote the Congressman that any resolution to investigate Nazi activity should have been brought by a non-Jew. Borkon also noted that Dickstein should have calculated his chance of success before bringing the resolution to the floor. By not having done so he suffered "enormous defeat ...and the very unsavory debate surrounding it." Dickstein could best serve Jewish interests by following the example of the other Jewish members of the House who allowed non-Jews to assume the lead in the debate while merely adding their voice to the mix. "Jewish matters," Borkon warned, "require much more intelligent handling."62

The failure of the House to authorize H.R. 88 and the negative response of Jewish leaders only strengthened Dickstein's resolve. Frequently lecturing his congressional colleagues on the dangers posed by fascist groups such as the Black Legion, Pelley's Silver Shirts, and the German-American Bund, he began a steady drumbeat on the floor of the House for another investigation. His speeches decrying fascism, describing the activities of Nazi youth camps,

explicating the danger of German newspapers, and listing names of individuals suspected of engaging in Nazi propaganda had become regular features of House proceedings. Meanwhile, his fellow representatives continued to ridicule him. After a typical speech in which Dickstein provided a detailed list of short-wave radio programs containing German propaganda, Robert Rich responded, "Mr. Speaker...will the gentleman, in his extension of remarks, name the places in Pennsylvania where these camps are, so we can goose-step up there after them?"63

Dickstein's frequent insertion of names of suspected American Nazis into the Congressional Record disturbed congressmen who feared that innocent people were being slandered. When six individuals whom Dickstein had labeled in the Record as Bund members denied their membership through sworn affidavits, Dickstein's critics went on the offensive. "If a gentleman puts information into the Record," Maury Maverick told the House, "we want to know whether it is mere hearsay. We do not doubt the gentleman's honesty and integrity, but when names of people are put into the Record, it should be after an investigation, with witnesses under oath." This was, of course, a sentiment which Dickstein exploited. "If you wanted definite legal information," Dickstein replied, "you...should have supported my resolution on April 8 [for a new investigation], then you would have had official, sworn testimony by now."64

This incident provided Dickstein's critics with the opening that they hoped would permanently end his crusade. "Mr. Speaker, the gentleman from New York has an obsession, and it seems to be growing on him," declared Harold Knutson. "He is taking a little band of Nazis led by an egotistical jackass, and by

64Congressional Record, 75th Congress, 2d Session, December 21, 1937, pp. 2031-2038.
a liberal use of his imagination, building them into an organization that is going to threaten...the future of the Republic." With an eye toward the German-American population of his home state of Minnesota, Knutson continued his diatribe. "This thing has gotten to be a huge joke," he complained. "The constant tirades of the gentleman from New York are not taken seriously by any one but himself...." Dickstein's credibility had reached its nadir. If the House was to authorize another investigation of Nazi propaganda, it would require another champion. Dickstein found a surprising ally in Martin Dies.65

Although Dies and Dickstein had frequently been at odds on the immigration issue, in 1937 the two cooperated on a bill that touched on issues important to both men. Dies was satisfied because H.R. 6391 subjected to deportation certain specified classes of criminals that were not already covered by present laws. Dickstein was pleased that the second section of the bill gave the Secretary of Labor discretion to allow illegal immigrants to remain in the country if they were of good moral character and had lived in the United States for ten years or were married or closely related to an American. This second section addressed the "hardship cases" to which Dies had frequently so scathingly referred. The hardship cases that H.R. 6391 was intended to aid were the "innocent dupes of racketeers" who had unwittingly entered the country on fraudulent visas. Dies' work on this legislation placed him in the awkward position of having to defend his "soft" stance on immigration to groups with whom he usually agreed. Letters to him from Jewish organizations across the country thanked him for his support of this "humane" measure. But anti-

65 Congressional Record, 75th Congress, 2d Session, December 21, 1937, pp. 2037, 2038.
immigration organizations such as the American Coalition, the Allied Patriotic Societies, and the Immigration Restriction League wrote in opposition. Dies disingenuously claimed that "every restrictionist I know is in favor of taking care of hardship cases."66

In addition to discovering an ability to work with Dickstein, after conducting his own informal inquiry into subversive activities Dies concluded that his colleague's fears were well founded. Dies' bogey, however, had never been Nazism. When he spoke of the dangers of alien subversion, he was almost always referring to communism. "It was as a member of the Immigration Committee," Dies recalled years later, "that I learned first-hand about Communism." According to Dies, after the Fish Committee ceased its investigation into communism, the Immigration and Naturalization Committee "[fell] heir to the problem." During the First World War, the government had seized all the records of the American Communist Party. This information proved that of the approximately 10,000 Communists in the country, 98% were aliens. When the government lifted the ban on the Party after the war ended, Dies claimed, "...the alien ranks were augmented constantly under plans for fifth-column activities in the United States." When Dies subsequently introduced his own resolution asking the House to authorize an investigation, it spoke generally of un-American propaganda, which would leave him free to follow whatever path he chose. Given his past attacks on communism, there was little doubt about what that direction would be.67

66 Congressional Record, 75th Congress, 1st Session, June 10, 1937, pp. 5540 et seq.; Rabbinical Council of America to Dies, June 1, 1937, Box 3, File 31; Dies to Colleague, June 5, 1937, Box 3, File 32; American Coalition to Dies, June 7, 1937, Box 3, File 32; Resolution of Allied Patriotic Society, Box 3, File 33; American Restriction League to Dies, May 20, 1937, Box 3, File 29; Temple Beth El to Dies, May 27, 1937, Box 3, File 30, Martin Dies Papers, SHRL.
67 Dies, Martin Dies' Story, pp. 58-59; Congressional Record, 75th Congress, 1st Session, July 26, 1937, p. 7633.
Dickstein, meanwhile, refused to temper his campaign against Nazism. Seeking support from any quarter, and blaming the American Hebrew, Maury Maverick and Lindsay Warren for his April defeat, he continued his private investigation of Nazi propaganda. After J. Edgar Hoover accepted Dickstein's offer of information for the Bureau's own Nazi inquiry, he exchanged intelligence with the FBI. "[M]y investigation definitely shows a very strong organization in this country," Dickstein warned the House, "which organization is being financed, supported, and aided by foreign governments for the purpose of substituting fascism for democracy." Acknowledging his lack of support, he continued, "I have made that charge a number of times. Some of my colleagues try to laugh me out of court, but I do not think they can do it any longer." The following month he was back again, complaining that the present laws were incapable of effectively dealing with the subversive activities and admonishing the House that "...un-Americanism and all foreign 'isms' are marching on without the slightest thing being done to stop it." One month later Dickstein discussed the proliferation of Nazi camps in the United States and Hitler's campaign "to control Germans all over the world." "[T]his," he pleaded, "is the very thing which I have been discussing on the floor of the House for a number of years."68

Daily newspapers seemed to bear out Dickstein's claims. Many members of Congress were growing increasingly uncomfortable with Hitler's aggressions in Europe. Yet in Congress Dickstein's pleas fell on deaf ears. "For four years I have been preaching, begging and advising Congress with reference to what has been going on during that time," he said, but there were still some "400,000 storm troopers or members of the so-called Nazi Bund in the United States."

68 J.E. Hoover to Samuel Dickstein, September 18, 1937. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio; Congressional Record, 75th Congress, 3d Session, February 23, 1938, pp. 2349-2350; February 24, 1938, p. 2406; March 2, 1938, pp. 2724-2727.
These people, he charged, "speak of their leader, Hitler, as the messiah." Moreover, he alleged that the West Coast was a bed of spies and that Hitler wanted to weaken the American government in order to "seize control of [its] internal affairs." Eager for a new investigation, Dickstein claimed to have a "number of witnesses" prepared to testify before a committee, that he could provide the names of hundreds of spies within the country committing espionage, and the names of many scores of American corporations distributing Nazi propaganda. The problem was real, he insisted, and his concern was for the nation, not an attempt at self-glorification. "I am not asking for any personal power," he tried to convince his colleagues. "I do not care whether I am chairman of any committee that might be created; as a matter of fact, I do not care to be on the committee; I do not care who is chairman; but it is the duty of Congress to ferret out the enemies within." 69

Regardless, the House voted down another of his resolutions in April 1938, seeking an investigation into "un-American propaganda." The debate centered on questions about the lack of a clear definition of "un-American" and the old fears of an anti-Semitic backlash. Still, although Dickstein was perceived as a loose cannon, increasing numbers of Americans were reevaluating Nazism as a real threat. Rallies, youth camps, and riots between Bundists and American Legionnaires were reported almost on a daily basis in the press. The FBI was well into its own investigation of Nazi activities. In the weeks before the creation of the Dies Committee, Europe was struggling through the Sudeten crisis and New York City was riveted by a Nazi spy trial. The issue ceased to be whether

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69 Congressional Record, 75th Congress, 3d Session. April 12, 1938, p. 5336; April 21, 1938, p. 5678; January 24, 1938, p. 1025; March 2, 1938, pp. 2724-2725.
American Nazis were a real threat as much as whether Dickstein was the man to carry on the investigation.\textsuperscript{70}

Dickstein had spent four years attempting to garner sufficient support for another investigation. It was through his intense efforts that the issue of Nazi activity remained before the House. But he still lacked credibility. Although Dickstein had battled with Dies for years, the Texan's participation became crucial to the success any proposal for a new investigation. The Dies resolution that created the Special House Committee on Un-American Activities, H.R. 282, had been in preparation for almost a year prior to its introduction, and according to one analysis, "partisans on both sides were aware of it." Dies recalled that he was approached by Garner, now Vice-President, House Speaker William Bankhead, and Majority Leader Sam Rayburn. They asked him to introduce the resolution, in part because of the hesitancy to place a Jew at the head of the investigation and in part because Dies was now a member of the powerful Rules Committee and his resolution would be preferred to Dickstein's. Primarily, however, as historian Michael Wreszin observed, "The son of a Russian rabbi would hardly be a fit leader for champions of American nativism."\textsuperscript{71}

Dickstein sensed that this was his last, best hope for a new investigation. In July 1937, he wrote Rabbi Max Malina expressing optimism that although his past resolutions had failed, he had found someone else to introduce the resolution next time, "and I expect to cooperate with him in every possible way

\textsuperscript{70}Congressional Record, 75th Congress, 3d Session, April 12, 1938, p. 5340; Goodman, \textit{The Committee}, pp. 14-19.

with the hope of bringing about this investigation." Dickstein's confidence was so high that he even sent out a feeler to Maury Maverick. In a telegram to Maverick, he noted that since the adjournment of Congress numerous articles in the press had highlighted un-American activities. Perhaps in light of this new information, he ventured, Maverick might now be willing to support an investigation. Maverick's reply was, however, non-committal. "Cannot tell what my position will be at next term of Congress," Maverick wrote, "but will be glad to go into the matter in an un-biased way." Perhaps Dickstein was asking too much to expect a change of heart from Maverick, but at this juncture he found himself completely dependent upon the support of another Texan. "Conditions have gone from bad to worse," Dickstein wrote Dies in late 1937. "The resolution dealing with these activities will again be before the [Rules] Committee when Congress convenes. Is it your intention to help me out?" Dies did indeed plan on aiding the New Yorker. Accordingly, Dickstein restarted his correspondence campaign, writing to every potentially sympathetic organization in the nation, asking for support of H.R. 282.72

Although Dickstein's prior exertions were not forgotten during the floor debate on the Dies resolution, he did not participate. The resolution's supporters made it clear to their colleagues, albeit indirectly, that Dickstein would in no way be involved with the proposed committee. Regardless of his silence, Dickstein's was a strong presence in the debate—particularly for his opponents, who used him to argue against creating a new committee. Maverick, for example, reminded his colleagues not to be fooled by the fact that his fellow Texan, Dies, appeared as the present sponsor of the bill. The House, he said, had already

72 Samuel Dickstein to Max Malina, July 24, 1937; Samuel Dickstein to Maury Maverick (no date); Maverick to Dickstein, September 25, 1937; Samuel Dickstein to Martin Dies, October 14, 1937. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio.
overwhelmingly voted down a similar proposal: "it was the Dickstein resolution. And this is the Dickstein resolution and not the Dies resolution. All of the propaganda made in favor of it, before and since this resolution has been introduced, has been made by the gentleman from New York." Pennsylvania's Herman Eberharter agreed, noting, "the present resolution by the gentleman from Texas is the result of the activities and persistency of the gentleman from New York." Eberharter went on to point out the commonly perceived problem with Dickstein's warnings. "For the most part," he said, "I have felt that he was unnecessarily alarmed in regard to un-American activities and propaganda." At this point, however, so many charges had been made that Eberharter believed an investigation was needed simply to sort the truth from the hysteria. Still, he said that he would vote for such an inquiry only on the condition that the Speaker "appoint as members of this investigating committee men of character and caliber who will hold this investigation within proper bounds...." Representatives John Rankin and J. Parnell Thomas were equally clear that they would find unacceptable any committee that included Dickstein as a member.73

73 Congressional Record, 75th Congress, 3d Session, May 26, 1938, pp. 7574, 7582-7583. Dickstein could not have been surprised by the unwillingness on the part of members of the House to allow him to serve on any committee. Dickstein's letter to Speaker Rainey in 1934 refusing the chairmanship of the McCormack investigation made clear that he understood the dangers of his presence on such a committee, and the House had already banished him from any potential committee when debating H.R. 88. His critics, however, refused to acknowledge Dickstein's attitude, insisting, as did the American Hebrew in 1937, that his claim was spurious: "[T]o one who knows how bitterly that gentleman fought to get the chairmanship of the last committee, how angry he was when he was forced to relinquish it to a non-Jew, the estimable John W. McCormack of Massachusetts, this latest avowal of abnegation is rather hard to swallow." While Dickstein may have understood that the success of any investigation depended in part on his absence from the proceedings, he clearly did retain some bitterness at his treatment, especially when he saw the investigation for which he fought so tirelessly turn away from Nazi propaganda and begin focusing on other issues. In response to letters from Judge Harry M. Fisher and the New Jersey Non-Sectarian Anti-Nazi League expressing regret that he was not appointed to the Dies Committee, Dickstein disingenuously replied that the fault lay with B'nai B'rith and the Anti-Defamation League. He claimed that these groups slandered and maligned him and
The prior investigations by the Fish and McCormack Committees were also mentioned as congressmen questioned why yet a third investigation was requested. Moreover, Maverick, equating subversive activity with aliens, pointed out that the McCormack Act had already dealt adequately with the issue by requiring registration of all aliens wishing to distribute propaganda in the United States. While McCormack defended the work of his committee and supported the need for further investigation, Dickstein, who had been the guiding force behind that inquiry, remained conspicuously silent. 74

Dickstein was considered unfit for further committee duty because of lingering fears regarding the publicity-seeking aspects of his past work on the McCormack Committee. The fact that he was Jewish, coupled with his constant attacks on Nazism, raised the possibility that his presence might "inflame the American people against innocent but honest and good patriotic German-Americans." But another consideration was voiced by Tennessee's Will Taylor, who credited Dickstein with his hard work in bringing to the attention of the House the danger of subversive activity. "Sam Dickstein has made a record for himself of which any patriotic American might justly be proud," Taylor said. "He has fought these subversive influences in season and out, at considerable expense to himself, and often under the threat of personal violence." At the same time, however, "Sam may be subject to an accusation of a degree of laxity so far as his immigration views may be concerned...." Taylor noted that the investigation proposed by Dies would not have been necessary but for the "lax if

lobbied to keep him off the committee. It was because of this, he said, that the Dies Committee later spent more time investigating labor issues rather than Nazi propaganda. American Hebrew, March 26, 1937; Dickstein to Michael G. Alenick, June 17, 1938; Dickstein to Judge Harry M. Fisher, December 3, 1938. Samuel Dickstein Papers. American Jewish Archives, Cincinnati, Ohio.

74 Congressional Record, 75th Congress, 3d Session, May 26, 1938, pp. 7570, 7576, 7575, 7580-7581.
not deliberately negligent and unsympathetic administration of our immigration laws."

Dies attempted to address all of the reservations of the skittish congressmen who felt, as Missouri Representative Joseph Shannon remarked, that "an investigation of this kind should not be headed by a foreign-born citizen." First Dies promised that the committee would not direct its actions at any race, or at German-Americans. After stating that the committee would terminate with the present session of Congress, Dies also promised that free speech rights would be respected at all times. He assured the House that he was in possession of "shocking" information regarding Nazi and Communist activities in the county, but distancing himself from Dickstein, he noted, "I am not one of those who are inclined to be alarmists. I am not inclined to look under every bed for a Communist...." Convinced of Dies' good intentions, the House passed the resolution by a vote of 191 to 41. 

In the debate over his proposal for an investigating committee, Dies, who had indiscriminately linked all aliens to subversive activities in dozens of anti-immigration bills and in multiple speeches before Congress and over the radio condemning various "isms," presented himself as the picture of restraint. The contrast to Dickstein proved to be an easy one to make. Dickstein's colleagues painted him as both soft on immigration in his unwillingness to lump all aliens into the subversive category, and possessed of an uncontrolled hostility toward Germans. He was therefore deemed unsuitable to head the investigation. Although Dies was entrusted with the committee, he, too, would soon exhibit a marked lack of restraint. Moreover, although the Nazi crisis was the ostensible reason behind the formation of the committee and occupied most of the

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75 Ibid., p. 7573.
76 Ibid., pp. 7568-7570; Goodman, The Committee, p. 20.
discussion during the floor debate, Dies' interest had always been Communists. He would soon be pursuing his own agenda.
Chapter Two:
“A Necessary Sewer Project”: The Committee at Work

To serve as a member of the committee, however loyally or patriotically or honestly, is to be held up to public ridicule and worse....Personlly, I've had my fill and am glad to step out. I've been one of those who, working in what amounts to a necessary sewer project, is lauded by some of those who stand far off and recognize the value of the work. But the stigma is still there.

Robert E. Stripling, Dies Committee Secretary, 1949

For Martin Dies, chair of the House Special Committee on Un-American Activities, the necessary ingredients for a successful congressional investigation were simple: "Primarily, if you get a good chairman and a good committee you will have a good investigation. Outside of that all you need is a few general rules to see that the witness and the public get a fair break." Dies declared, "if I have anything to do with this investigation it will in no sense be an effort to abridge the undisputed right of every citizen in the United States to express his honest convictions and enjoy freedom of speech." Such sentiments convinced hesitant members of the House of Representatives to authorize this latest in a series of investigations into subversive activities.

At its inception a "few general rules" were all that the Committee established. Its procedure was haphazard and its hearings featured

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questionable information provided by volunteer representatives of patriotic organizations. In August 1938, Sam Dickstein wrote John McCormack in disgust, complaining, "No doubt you have noticed that the Committee is making a mess of things, to such an extent that they are being ridiculed by every paper in the country." Dickstein's assessment, though it came after only two weeks, remained true for at least the first seven months of the Committee's inquiry. The testimony elicited in these initial public hearings prompted the Christian Century to lament that "the actual danger [of subversion] should be concealed and the real issues confused by bringing in such rubbish." The Nation at first crowed with "unbridled mirth" at the "fatuousness of [Dies'] charges and his 'evidence'" but soon became "somber about their potential and probable consequences."

Typical of the missteps made during the investigation's first seven months was the charge leveled during the testimony of former-fellow traveler J.B. Matthews that child star Shirley Temple was a Communist stooge. In describing how the Communist Party relied on the carelessness of prominent citizens to promote its cause, Matthews cited as an example the Communist Party-owned French newspaper Ce Soir, which had recently featured greetings from Hollywood movie stars Clark Gable, Robert Taylor, James Cagney and Shirley Temple. Matthews hastened to add: "No one, I hope, is going to claim that any one of these persons in particular is a Communist. The unfortunate fact, however, remains that most of them unwittingly serve, albeit in this slight way, the purposes of the Communist Party." But the damage had been done. Matthews' point that the Party used even non-Communists to its own advantage

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was lost amid the furor over the fact that the Committee had called Shirley Temple a Communist dupe.4

This incident dogged the Committee for years as any liberal critic seeking to ridicule the investigation needed only to allude to Shirley Temple. In a speech to the Young Men's Business Club in Tacoma, Washington, Harold Ickes mocked the Committee, stating: "They even went to Hollywood and made the amazing discovery that little Shirley Temple is a dangerous Red. Imagine the great committee raiding her nursery and seizing her dolls as evidence. It is all so very silly." Labor Secretary Francis Perkins observed, "Perhaps it is fortunate that Shirley Temple was born an American citizen and that we will not have to debate the issue raised by the preposterous revelations of your committee in regard to this innocent and likable child." "A few more boners like the one about Shirley Temple," cautioned the Nation, "and the whole investigation may go up in the flames of laughter."5

Dies was infuriated by the uproar over the Shirley Temple episode, which he perceived as "indicative of the extent of the bigotry of the Liberal, or his ignorance of the English language." Although New Dealers and liberals did disingenuously use this incident to undermine the Committee's effectiveness, during its first year, the Committee proved to be an easy target. In this period, much of the damage to the Committee's reputation was self-inflicted. In later years, regardless of a concerted attempt to clean up its procedures, the

Committee never salvaged its reputation. That being said, however, the Committee was always prone to ill-advised actions, which further cemented its poor standing among its detractors.

The Shirley Temple incident provided an easy means of mocking Dies' inquiry, but underlying the contempt were concerns over substantive issues related to the proper function and conduct of investigating committees. The Dies Committee believed its main purpose was to inform the public of the dangers posed by subversive organizations. But the question of the appropriateness of congressional committees' use of the so-called "informing function" was far from settled. In addition, the information unearthed by the Committee was often questioned. Committee investigators fanned out across the country collecting reams of printed matter, identifying potential witnesses, and attempting to spy on alleged subversive organizations. The Committee undermined these efforts, however, by its tendency toward self-immolation in the form of poor procedure. This chapter will address some preliminary considerations regarding the powers of and judicially-imposed limitations on congressional investigations, and review the daily operations of the Committee and its investigators.6

"[I]t is not far from the truth to say that Congress in session is Congress on public exhibition," wrote Woodrow Wilson in Congressional Government (1885). "whilst Congress in its committee-rooms is Congress at work." The House and Senate utilize two primary types of committees: standing and select or special committees. A standing committee is a permanent body with responsibility for broad areas of legislation. These are the workhorses of Congress from which most bills emerge. Select or special committees are temporary bodies formed by

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either house to study a specific problem. Such committees are allowed to make recommendations, but are not usually permitted to draft legislation. 7

Select committees with the authority to call for persons and papers conduct legislative investigations. The Senate or the House, or both acting jointly, create an investigating committee by formal resolution. The authorizing resolution goes first to the standing committee with jurisdiction over the subject matter. After its approval by the standing committee, the full chamber votes on the resolution. By tradition, the sponsor of the resolution chairs the investigation. Like other select committees, investigating committees cannot draft legislation, but may hold hearings and submit their findings in the form of written reports. Congress usually grants these investigations limited legislative powers but broad powers of oversight. An investigation by a select committee generally has a specific purpose and a deadline within which it must act. In the House, a special committee expires with the congressional session, but a Senate special committee continues for the length of time stated in the initial authorization. 8

The Dies Committee was a special committee that the House created by a resolution that specified the length of the inquiry. Initially, Dies asked for nine months, but at the end of that time the Committee submitted a second resolution asking for another year of life. This process was repeated five times until 1945.

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requiring a debate and a vote as to its continuance each year. In 1945, the Special Committee on Un-American Activities became the first investigating committee to be granted the status of a standing committee. It was also the first committee to be given permanent power to call persons and papers, and it was the only House committee to receive these powers under the Legislative Reorganization Act of 1946.9

Congressional investigations have served three basic purposes. Primarily they have supplied Congress with information needed to exercise its constitutional lawmaking function. This function included determining the effectiveness of existing laws and the necessity for new laws. Second, investigations checked the work of the executive and administrative agencies. In this capacity, they surveyed "the defects in our social, economic, or political system for the purpose of enabling Congress to remedy them." Related to this function has been the need to probe governmental departments to uncover waste, corruption and inefficiency. Finally, investigations have influenced opinion and educated the public—what is usually referred to as the "informing function."10

Legislative probes have also been used for informal, sometimes less honorable purposes. Investigations have been a forum in which ambitious congressmen have gained personal notoriety, publicity, and political advancement. Committee hearings have been used for the aggrandizement of political parties, and at times, to embarrass or bring opprobrium on the opposition

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party.11 Careers have been made and destroyed as congressmen and senators have watched their stars rise and fall, sometimes within the course of the same investigation.12

As courts have generally recognized since the first Parliamentary investigation in the sixteenth century, for the investigative power to be meaningful, a legislature must have access to methods of acquiring information. The power to subpoena, to hold a person in contempt, to administer oaths, and to offer witnesses partial immunity, are the main tools with which Congress investigate. Without these tools, the investigative function of Congress would not be viable.13

The most important committee powers are those of subpoena and contempt. Although, like the investigative function itself, the powers of subpoena and contempt are not mentioned in the Constitution, the Supreme Court has recognized them as part of Congress' inherent right to conduct investigations in matters relevant to the exercise of its constitutional duties. As the Court stated in 1927, "Where the legislative body does not itself possess the requisite

12 Carr, The House Committee on Un-American Activities, 1945-1950, p. 7. Some examples of political reputations made as a result of congressional investigations include: Senator Gerald Nye who was touted as a possible presidential or vice presidential candidate in 1936 because of his work on the Senate Special Committee Investigating the Munitions Industry; Harry Truman's chairmanship of the Senate Special Committee to Investigate the National Defense Program led directly to his being chosen as Roosevelt's running mate; Richard Nixon became a national figure through his work on the House Un-American Activities Committee's investigation of Alger Hiss; Estes Kefauver became a leading presidential contender after the televising of his committee's investigation of organized crime in interstate commerce; and finally, Senator Joseph McCarthy achieved fame and notoriety as chairman of the Senate Subcommittee on Investigations of the Committee on Government Operations, Powers of Congress, Nancy Lammers, ed. (Congressional Quarterly Inc., 1982), p. 197.
information...recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing...so some means of compulsion are essential to obtain what is needed.\footnote{McGrain v. Daugherty, 273 U.S. 135, 175 (1927); see also, Ernest J. Eberling, \textit{Congressional Investigations: A Study of the Origin and Development of the Power of Congress to Investigate and Punish for Contempt} (New York: Columbia University Press, 1928), p. 31 et seq.}

Now a standard power of Congress, in the past, standing committees had been given the authority to subpoena by a vote of the parent body. Congress considered each request for authority only on a case by case basis. Because a grant of the subpoena power enabled a committee to serve in a quasi-judicial fashion, many Congressmen believed that it should be used sparingly. Traditionally, it was given only to special committees assigned to specific areas of inquiry. When the investigation concluded, the special committee and its quasi-judicial powers ceased to exist. The Legislative Reorganization Act of 1946, however, granted the right of subpoena to all Senate standing committees. Because House Speaker Sam Rayburn and Minority Leader Joseph W. Martin feared that extending the subpoena authority to committees would give too much power to headline-seeking, politically ambitious congressmen, they denied it to their members. The House did not allow its standing committees the use of the subpoena until 1974.\footnote{Hamilton, \textit{The Power to Probe}, pp. 60-61; Lammers, \textit{Powers of Congress}, pp. 192-193.}

A committee may call a witness to appear in one of two ways: by subpoena or by voluntary testimony. Most witnesses voluntarily appear. Witnesses appearing in compliance with a subpoena usually testify under oath, which every member of the committee is authorized by statute to administer. Once a witness has sworn or affirmed, he or she is subject to both federal and
District of Columbia perjury laws, which require that the matter in question be of consequence and that a "competent tribunal" witness the perjury.16

The power to compel appearances and the production of documents by subpoena would be meaningless if it were not accompanied by the authority to hold those who refuse to comply in contempt. Congress initiated contempt proceedings in 1812, when it instructed the sergeant-at-arms to jail a contumacious witness for one day, but judges did not recognize the right until the Anderson v. Dunn decision in 1821. Although this lawsuit did not involve a committee investigation, the rules enunciated for congressional contempt applied in all circumstances. The plaintiff, Anderson, was accused of attempting to push his land claim through Congress by bribing a member of the House. The House instructed sergeant-at-arms Thomas Dunn to arrest Anderson. Tried at the bar of the House, and subsequently reprimanded and freed, Anderson then filed a civil suit against Dunn for false imprisonment. The Supreme Court rejected Anderson's claim, holding that Congress possessed an implied constitutional authority to punish for contempt. This power was inherent because without it Congress would be made to endure "...every indignity and interruption that rudeness, caprice, or even conspiracy may mediate against it." The Court warned Congress to use the power sparingly—that it should use the "least amount adequate to the end proposed," and that any confinement not last beyond the adjournment of Congress.17

An 1857 law enabled Congress to prosecute congressional contempt cases in the judiciary system. Nevertheless, since prosecution through the courts placed the witness beyond their immediate reach, Congress continued

itself to punish cases of contempt, hoping that jail time might induce cooperation. Congress discontinued the practice in 1932.\textsuperscript{18} The law of 1857 was subsequently updated to provide a procedure for prosecution of contempt by the Justice Department.\textsuperscript{19}

Committee probes have encompassed as broad a range of subjects as lay within the bounds of the congressional power to legislate. As the importance of these inquiries grew, judges struggled to define the limitations on the powers committees wielded, especially as potential threats to civil liberties began to emerge. By the 1950s, the standard protections a witness could claim before congressional committees were the First Amendment rights of free speech and assembly, which protected the right to speak, but also the right to remain silent about one's beliefs and associations; the Fifth Amendment right against self-incrimination, given that when a legislative investigation sought to prove a person's "guilt" rather than simply gather information, it was conducting a "legislative trial;" and the Fourth Amendment protection against unwarranted searches and seizures. In \textit{Barenblatt v. United States}, Justice Harlan observed in 1959 that:

> Broad as it is, the power [to investigate] is not...without limitations....[T]he Congress, in common with all branches of the Government, must exercise its powers subject to the limitations placed by the Constitution on governmental action, [including] the relevant limitations of the Bill of Rights.

But in 1938, when the Dies Committee began its work, the caselaw concerning investigations allowed committees far greater latitude.\textsuperscript{20}

\textsuperscript{18}Lammers, \textit{Powers of Congress}. pp. 188.
The degree of criticism aimed at congressional investigations has usually reflected the level of committee activity and the subjects of the inquiries. Until the late 1930's, congressional probes were subject primarily to challenges based on procedural due process and separation of powers claims. But as investigations began inquiring into political activities and associations, First and Fifth Amendment claims became the norm. Regardless of whether a witness claimed a denial of procedural due process or of freedom of speech and association, the dangers posed by legislative inquiries originated from the fact that a legislative body was exercising quasi-judicial and quasi-executive functions without the traditional checks against abuse of those powers. While they were not trials, congressional investigations could quickly assume aspects of formal litigation. In these de facto trials, legislators acted as prosecutor, judge and jury, all of which were normally separated in the American system. As politicians, legislators frequently came to these proceedings without ridding themselves of their biases. Investigations were often politically motivated affairs in which the normal procedural rules guaranteed by the Bill of Rights were, in practice, ignored. And while no investigating committee had the power to punish an individual for committing a crime, the facts it elicited could lead to subsequent indictments and convictions. Witnesses also suffered de facto punishments, including the trauma of testifying before an abusive committee, opprobrium in the press, and loss of jobs. A lack of procedural regularity, and the consequences that followed therefrom, provided disincentives for Americans to engage in what otherwise would have been protected speech or association. The result,

therefore, was a chilling effect upon the exercise of First Amendment freedoms.\textsuperscript{21}

The dangers inherent in investigations, however, are usually weighed against Congress' need for the appropriate tools to enable a committee to achieve its goals. As previously stated, for a legislative investigation to be meaningful, Congress required the power to access information by subpoenas, oaths to witnesses, and partial immunity grants to witnesses who refuse to testify based on their Fifth Amendment right against self-incrimination, as well as the power to enforce these powers by perjury and contempt proceedings. The Supreme Court and lesser courts have attempted to balance these competing interests of individual rights against the congressional need to investigate.

After the 1821 \textit{Anderson v. Dunn} decision, the power to investigate and to compel witnesses to appear received unflagging judicial support until \textit{Kilbourn v. Thompson} in 1880. The House of Representatives held Hallett Kilbourn in contempt and ordered the sergeant-at-arms to jail him until he agreed to cooperate, after he failed to produce documents and answer questions before a committee investigating the bankruptcy of the Philadelphia banking house, Jay Cooke & Co. Congress was investigating the matter because the Secretary of the Navy had made a number of "improvident deposits" of federal money into the bank. For his intransigence, Kilbourn was awarded forty-five days in jail, after which he was released on a petition for \textit{habeas corpus}. Upon his reprieve, he sued for false imprisonment.\textsuperscript{22}


\textsuperscript{22}\textit{Kilbourn v. Thompson}, 103 U.S. 168 (1880).
In holding for Kilbourn, the Supreme Court issued three main findings. First, the Court questioned Congress' basic power of contempt. Second, it required a clear statement of purpose for congressional investigations; and finally, it prohibited investigations that inquired into the personal lives of witnesses. On the first point, Justice Samuel F. Miller, writing for the majority, claimed that the general power of punishing for contempt could be used only in limited instances. In particular, the majority questioned the appropriateness of using the contempt power to "...enable either House of Congress to exercise successfully their function of legislation." According to Nelson McGeary, the result was that "for almost half a century serious doubt was cast on the very existence a congressional power to compel testimony for the principal purpose of obtaining information to assist Congress in drafting legislation." But in practice Congress did not refrain from exercising the power, and the Court, deciding *McGrain v. Daugherty* in 1927, specifically rejected this implication from *Kilbourn*.23

On the second point, the Court objected to the vagueness of the House resolution authorizing the investigation. The opinion demanded a specific statement of purpose, and that the investigation not exceed the jurisdiction granted to it in the authorizing resolution. The committee had overstapped its bounds because the subject of the investigation—the insolvency of a private business partnership—was judicial, not legislative. The Court believed that the committee was concerned only with establishing the priority of the United States' rights as a creditor. Moreover, since the authorizing resolution did not specify how the investigation might remedy the situation, the Court held that it amounted to little more than "a fruitless investigation into the personal affairs of individuals."

“By ‘fruitless,’” the opinion continued, “we mean that it could result in no valid legislation on the subject to which the inquiry referred.”

Harvard Law School’s James Landis was one of many critics of the Kilbourne decision. He argued that Kilbourne’s demand for a specific legislative purpose stemmed from a narrow reading of the facts and a judicial misunderstanding of legislative practice. Kilbourne was about the “use and disposition of public moneys,” which should have been considered a “normal and customary part of the legislative process.” Moreover, to limit Congress to a specific legislative purpose in an authorizing resolution undermined the reason for investigations. At the beginning of an inquiry it was difficult for a committee to know the different directions the investigation might take. It was natural, therefore, that “dvergencies between purpose and accomplishment” would arise. At the conclusion of an investigation, the committee might suggest a course of action for Congress to take, suggest that Congress take no action, or offer draft legislation. But none of these outcomes could be predicted with total accuracy. A committee conducting an investigation must be free to respond in whatever manner it deemed necessary during the course of the inquiry. "A problem opens before Congress," Landis wrote, "and a committee is instructed to investigate and see what can be done." By its Kilbourne holding, he asserted, the Supreme Court exhibited a basic misunderstanding of the function and methods of Congress.

24 Kilbourne v. Thompson, 103 U.S. 168, 195 (1880); McGeary, “Congressional Investigations: Historical Development,” p. 429. The ruling in Kilbourne should not be read too expansively. It would be seventy years before the Court would again support the rights of a witness based on the fact that a committee was founded on a vague authorizing resolution. See United States v. Rumely, 345 U.S. 41 (1953). The holding that Congress has no general power of making inquiry into the private affairs of citizens has, however, been consistently upheld. See Watkins v. United States, 354 U.S. 178; Sinclair v. United States, 279 U.S. 263; McGrain v. Daugherty, 273 U.S. 135.

Landis also suggested, however, that requiring Congress to state a specific intent might reflect the Court's belief that the committee's actual motive differed from its stated motive. In Kilbourn, the Court thought that Congress' only intent was to place the U.S. government at the front of the line of Jay Cooke's creditors. But, in reviewing legislative actions, said Landis, it was inappropriate for a court to impute motives beyond those the legislature had expressly stated.26

If the Court's reasoning was indeed that congressional inquiries must strictly adhere to matters which would lead to "valid legislation" and its motives could only be those explicitly stated in the authorizing resolution, then Kilbourn would have continuing significance for investigations. Further, as legislative probes focused on subversive activities in the 1930s, the specific intent requirement might have become a formidable weapon with which to curb committee abuses. Not only would such a ruling reject the informing function of investigations, but it would potentially call into question the validity of investigations claiming one purpose (exposing subversion), while serving another unstated purpose (a political attack on the New Deal).

The third broad policy implication of the Kilbourn decision related to the proscription against inquiring into a witness' private life. Landis chose to read the opinion as attaching "[s]ome quality akin to the 'right of privacy' ...as a penumbra to this conduct, sheltering it from the probing inquiries of Congressional

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committees." Far from commending this incorporation of a general right to privacy as a protection for witnesses, Landis was again critical. Simply by asking a witness to appear and produce documents, he wrote, a committee is placing the private affairs or business of a private citizen before the scrutiny of the public. This is an action that the judiciary undertakes on a daily basis, and the legislature should be permitted the same power. The consideration for the former is that the citizen's interest in privacy be weighed against an opposing "interest in efficient government." There is no reason, Landis argued, that such a balancing approach could not work equally well for the latter. The requirement of "separate but equal governmental powers" demanded nothing less.\(^{27}\)

As noted, the issues raised in Kilbourne were not addressed again by the Supreme Court until McGrain v. Daugherty in 1927, a case arising from the Teapot Dome scandal of the Warren G. Harding administration. The Secretary of the Interior was accused and convicted of accepting bribes from private oil company executives in exchange for a lease on Wyoming's Teapot Dome naval oil reserve. The ensuing political storm resulted in a high-profile, vitriolic Senate investigation conducted by Senators Smith W. Brookhart, Burton K. Wheeler and Tom Walsh that invited scathing criticism. The purpose of the investigation, many believed, was plainly political. The New York Times, New York Post, and New York Tribune accused the Senators of character assassination and, in the Tribune's words, "scandalmongering." It was this committee to which Walter Lippmann referred when he described congressional inquiries as "that legalized atrocity...in which congressmen, starved of their legitimate food for thought, go on a wild and feverish manhunt, and do not stop at cannibalism," and legal scholar John H. Wigmore wrote of "[t]he senatorial debauch of investigations—

\(^{27}\) Landis, "Constitutional Limitations," p. 219.
poking into political garbage cans and dragging the sewers of political intrigue."28

But Harvard Law School professor and future Supreme Court Justice, Felix Frankfurter, worried that these barbs threatened to "...divert attention and shackle the future by suggesting restrictions in the procedure of future investigations." Arguing that the procedures utilized in congressional probes should not be subject to limitation, Frankfurter believed sufficient safeguards to the rights of witnesses were available both from "the forces of responsibility which are operating from within Congress, and [those that] are generated from without." Unlike many of his contemporaries, Frankfurter maintained faith in a committee's ability to rise above politics.29

McGrain addressed issues related to the involvement of former Attorney General Harry Daugherty in the Teapot Dome scandal. Daugherty was charged with failing to discover and prosecute the officials who had accepted the bribes. Because the Attorney General was a suspect in the investigation, Congress asked the President to remove the case from the jurisdiction of the Department of Justice and appoint a special counsel to conduct the inquiry. At the same time, the Senate pursued its own investigation of Daugherty based on his failure to prosecute the conspirators under the Sherman Anti-Trust and Clayton Acts, which prohibited monopolies exercising unlawful restraints of trade. During its inquiry, the committee called Daugherty's brother, Ohio banker Mally S. Daugherty, to Washington to provide information on the former Attorney General's personal finances. Upon Mally Daugherty's failure to appear, the

29 Taylor, Grand Inquest, pp. 60-61.
sergeant-at-arms took him into custody. Daugherty sought and was granted a writ of habeas corpus, and the government appealed the decision to the Supreme Court.30

The Court's opinion strongly affirmed the power of Congress to conduct investigations. For the majority, Justice Van Devanter reviewed the history of investigations, beginning with St. Clair. He cited state court decisions upholding the power to probe, listed statutes authorizing committees to summon witnesses and compel testimony upon the threat of contempt, and discussed the Supreme Court cases touching on the powers of investigation. After reviewing the relevant history, Van Devanter wrote that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function." The Court rejected any implication from Kilburn that called into question the power of committees to investigate in the aid of future legislation. Aiding future legislation, Van Devanter continued, was precisely the purpose of congressional investigations. In explaining the rationale behind its decision, the majority followed the line of reasoning pursued by Landis in his discussion of Kilburn, and by Frankfurter in defending the Senate's Teapot Dome investigation. In fact, Van Devanter continued, the power to compel testimony was only appropriate when utilized to aid fact-finding pursuant to potential legislation.31

The McGrain majority did, however, affirm the holdings in Kilburn that an authorizing resolution must state the purpose of the investigation, and upheld the strictures against digging into purely private matters. "[A] witness may rightfully refuse to answer," the Court noted, "where the bounds of the power are

exceeded or the questions are not pertinent to the matter under inquiry.\textsuperscript{32} While the Court combined the two issues in an effort to protect witnesses from the prying questions of committees motivated by political considerations, the Justices held that no such motive existed in the case before them.

The Supreme Court, therefore, rejected the holding of the trial court that had granted the writ of \textit{habeas corpus} and freed Mally Daugherty from the custody of the sergeant-at-arms. The lower court had insisted that congressional inquiries contemplate legislative action. In this instance, the court asserted that the drafting of potential legislation was an afterthought—the Senate's true motive was to carry out a vendetta against Harry Daugherty, as revealed in the "extreme personal cast of the original resolutions; the spirit of hostility towards the then Attorney General…That the Senate has in contemplation the possibility of taking action other than legislation as an outcome of the investigation, as thus expressly avowed, would seem of itself to invalidate the entire proceeding."\textsuperscript{33}

The trial court had offered as evidence of political motivation the authorizing resolution stating that the purpose of the inquiry was the gathering of information as a basis for legislation and "other action" that the Senate might deem necessary. It was, the court asserted, the use of the phrase "other action" that betrayed the Senate's real goal. In short, "[w]hat the Senate is engaged in doing is not investigating the Attorney General's office; it is investigating the former Attorney General. What it has done is put him on trial before it. In so doing it is exercising the judicial function. This it has no power to do."\textsuperscript{34}

The Supreme Court disagreed. Since the Department of Justice and the Attorney General were both subject to legislative action, it was reasonable to

\textsuperscript{33} \textit{McGrain v. Daugherty}, 273 U.S. 135, 176-177.
\textsuperscript{34} \textit{Id.}
assume that an investigation into their functions and activities might aid in the drafting of legislation, and, therefore, an investigation was entirely appropriate. When determining the legitimacy of the stated goals of legislative probes, the Court cautioned, "the presumption should be indulged that this was the real object. An express avowal of the object would have been better; but in view of the particular subject matter was not indispensable." In other words, the Supreme Court would refrain from questioning the official declarations of the purpose of the investigation. The Justices stated that it did not believe that the Senate was attempting to "try the Attorney General at its bar or before its committee for any crime or wrongdoing." But, the Court continued, it was not a "valid objection that it might possibly disclose crime or wrongdoing on his part."35

So while the Supreme Court imposed on Congress a rule that the only proper course of inquiry for a committee was one that aided in the fact-finding process that led to legislation, it also asserted that it would not look behind the stated object of the inquiry to determine if in fact that was its true goal. The Court cited approvingly the admonition of In Re Chapman that "...[w]e cannot assume on this record that the action of the Senate was without a legitimate object." As Frederic Coudert observed in 1929, the Court in McGrain technically upheld the decision in Kilbourne that Congress would not be the sole judge as to the pertinency of the scope of questioning—that courts would act as a check on the legislature. Coudert praised this decision as a step forward for civil liberties, but added, "...[h]ow strict the courts may be in applying this limitation, or how far in practice they may nullify its efficacy by liberal presumptions in favor of Congressional motives and purposes, it is impossible to say."36

Coudert had hit on the key issue. In *McGrain*, the Court provided a clue to how it might rule in the future when, in acknowledging the congressional power to compel witnesses to appear and testify upon threat of contempt, it noted:

The contention is earnestly made on behalf of the witness that this power of inquiry, if sustained, may be abusively and oppressively exerted. If this be so, it affords no ground for denying the power. The same contention might be directed against the power to legislate, and of course would be unavailing. We must assume, for present purposes, that neither house will be disposed to exert the power beyond its proper bounds or without due regard to the rights of witnesses.

In its hesitancy to inquire behind the stated object of the inquiry, the judiciary left witnesses at the mercy of what Frankfurter had earlier optimistically described as "the forces of responsibility which are operating from within Congress." The Supreme Court, in essence, was refusing to draw a distinction between "official and unofficial motivations behind congressional investigations." According to Senator J.W. Fulbright, it was often the unofficial motivation that inspired the lead investigator. If that happened to coincide with the official motivation, then no problem arose. But if the two did not coincide, "anything [could] happen." Witnesses concerned about their reputations and privacy relied on the judicially imposed limitation that a committee might not pry into areas outside the scope of the investigation, which was further limited to matters in which Congress might legitimately legislate. But with the Supreme Court refusing to ensure that the official and unofficial motivations were identical, witnesses were protected from the "weaknesses of their elected representatives....[o]nly by restraint of power." The danger, of course, was that the "restraint" was to be exercised by "those who
also wield the power." In the end, remarked Fulbright, they were left to rely on
this "troublesome human factor."\(^ {37}\)

Given the political uses to which investigations were increasingly put, the
conviction that Congress would act to check its own behavior was perhaps naive.
Coudert's warning that the protections *McGrain* offered depended on the
willingness of the Court to apply them, was prescient. As long as the Supreme
Court accepted the official purpose of an investigation without looking further, the
limitation would be meaningless. As one commentator noted, after *McGrain*,
courts "...have been liberal in allowing committees to proceed unmolested; and,
almost without exception, they have supported the committees in their contests
with witnesses."\(^ {38}\)

The Supreme Court's 1929 decision in *Sinclair v. United States*, another
case originating from the Teapot Dome investigation, "...underscore[d] how
difficult it [was] to impeach official motivation." An oil company president, Sinclair
had cooperated with the committee on five different occasions, but on the sixth
he refused to answer its questions on the advice of his attorney. Sinclair argued
that because bribery charges against him were then pending before a court, the
committee no longer served its original stated purpose, and he would save his
testimony for the courtroom. Once again, accepting at face value the
investigation's goal as announced in the authorizing resolution, and denying the
possibility of any unstated motivation, the Court held that the Senate could


continue its inquiry to gather information for the purpose of potential future legislation. Although the scope of an investigation was limited in that Congress could not inquire into personal affairs, the Court ruled that the committee had not overstepped its bounds in this instance. This was to be a familiar refrain through the remainder of the 1930s.39

For most congressional investigations, judicial deference to the officially stated congressional intent would not threaten civil liberties. From the Kilbourn decision in 1880 to Mcgrain in 1926, however, a sharp increase occurred in the use of legislative investigations, due in large part to the expansion of government functions. The need to control some of the negative consequences of the industrial and scientific revolutions gave rise to an increased reliance on the regulatory powers of administrative agencies. Congressional investigative committees, in turn, acted as a check on this bureaucracy. Whether a committee was seeking to squelch corruption or merely exercising oversight to ensure the proper use of appropriations, investigations played a crucial role. By 1929, for example, the Treasury and Interior Departments had each been subjected to fifty investigations. During the 1930s, as he had done to advance his legislative agenda, Franklin Roosevelt, with strong congressional support, encouraged the use of investigations to promote the need for new administrative agencies.40

Another type of investigation came into wide use during the 1930s. Fears of the impending war in Europe, and alien subversive influence on the labor

movement at home, impelled Congress to lash out at all suspected "isms" by means of anti-immigrant legislation and authorization of the Fish, McCormack, and Dies investigations into un-American activities. The distinction between the official and unofficial motivations for investigations suddenly loomed large when Dies used his committee to attack political enemies. Organized labor and Roosevelt's New Deal agencies became two of his primary targets. Relying on tactics such as asserting individual's guilt by association and releasing lists of hundreds of names of government employees "suspected" of communist activity, Dies succeeded in embarrassing the President and gaining for himself a tremendous amount of publicity.

If ever a committee existed in which the unofficial motivation might be questioned and found in violation of the Supreme Court's holding in *McGrain*, this was it. But with the Court refusing to examine the officially stated intent, the Committee's targets were afforded little actual protection. In the 1949 *Eisler v. United States* decision, the Supreme Court held, "It would be an unwarranted act of judicial usurpation ...to assume for the courts the function of supervising congressional committees. I should...leave the responsibility for the behavior of its committees squarely on its [Congress'] shoulders." The latent danger to civil liberties posed by unchecked inquiries had finally appeared, but another two decades would pass before the Court attempted to reign in investigating committees.41

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Following the Kilbourn and McGrain decisions, congressional inquiries were limited to matters over which Congress had the power to deal directly. The purpose of the investigation was to be explicitly stated in the authorizing resolution. Courts reserved the right to determine the limits of investigatory power, but would not look beyond the purpose as stated in the authorizing resolution. Kilbourn and McGrain, in holding that congressional investigations were appropriate "to exact information in aid of the legislative function," also cast doubt on the appropriateness of committees conducting investigations merely to inform or educate the public.\textsuperscript{42}

The Dies Committee did not violate the court-imposed strictures. It was investigating an area of activity in which Congress had the power to legislate. Committee members introduced legislation intended to ameliorate conditions highlighted by their inquiry. But the informing function was not yet an officially recognized role for legislative committees, and after the Kilbourn and McGrain holdings, room existed to question whether the Supreme Court would approve such a goal.

Administrative oversight and gathering information to assist in drafting legislation have been the two functions most often recognized as legitimate uses of congressional inquiries. The informing function, using investigations for the purpose of educating the public and molding opinion, has been perceived as a much more dubious rationale. Most commentators, including Supreme Court

\textsuperscript{42} McGrain v. Daugherty, 273 U.S. 135, 175.
Justices, usually refer to Woodrow Wilson's 1885 treatise, *Congressional Government*, to support arguments in favor of the informing function. "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents," Wilson wrote. "The informing function of Congress should be preferred even to its legislative function."43

Wilson was discussing the duty of Congress to scrutinize the administrative agencies of government on behalf of the American people. Alan Barth insisted that when Wilson spoke of the informing function, he meant only discussion and debate within the main body of Congress, and in particular about the need to scrutinize the executive, but was not referring to the powers of legislative investigating committees. But Barth's interpretation of Wilson's intent was probably too narrow. Wilson borrowed the phrase "informing function" from 19th century British social scientist, Walter Bagehot. In *The English Constitution*, Bagehot wrote that the House of Commons employed the informing function when it "inform[ed] the sovereign what was wrong....The nation needs it quite as much as the king ever needed it."44

Congressional investigations as a means of informing the public have been too useful a tool to limit it to Barth's formulation. "Sometimes the

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43 Wilson, *Congressional Government*, p. 303.
congressional investigation results only in public disclosure—or exposure." Senator Fulbright explained in 1951. "When this is the case, the results may be regarded as an appeal to public opinion, an invitation to the people to say whether or not they discern the need for legislation which the legislators themselves have not yet seen fit to enact. Any of these things, or their combination, may be the object and the product of a congressional investigation." 45

As previously stated, the Roosevelt Administration made the most effective use of the informing function by utilizing congressional investigations to reinforce the need for proposed or newly enacted legislation. 46 But the informing function was also widely employed by committees investigating subversion. Jerry Voorhis, a Dies Committee member and liberal New Dealer, defended the use of congressional investigations as necessary to expose activities dangerous to a nation's welfare which, not being illegal, cannot be fully dealt with by the law enforcement agencies. Indeed this function of congressional investigations may be the single most effective method available to a democracy in guarding against movements which operate generally within the law but which seek ultimately to destroy the very freedom which makes possible their existence.

It is what Louis Brandeis referred to as "sunlight as disinfectant," and what Hugo Black, when a Senator, praised as a "means to restrain the activities of powerful groups who can defy every other power." "If there is nothing to conceal, then

45 Id.
why conceal it?" Black asked. "[It is] a fair presumption that secrecy means
impropriety." 47

The informing function was particularly important when the Constitution
precluded legislation. The Dies Committee did gather information to assist it in
drafting legislation, but were limited in the kinds of legislation they could propose
by the First Amendment. The Committee frequently asserted its dedication to
constitutional principles. In its first official Report to the House in 1939, the
Committee noted that unlike Russia, Germany, or Italy, American citizens were
free to advocate "doctrines which are contrary to [Americanism]," including
communism and nazism. Its 1940 Report noted the importance of preventing the
growth and spread of organizations tending to undermine democracy. then
added, "it is at least equally important that in combating subversive groups of this
character nothing be done which would undermine the fundamental structure of
liberty itself." In 1941, it reiterated: "The right to individual liberties of free
Americans must be preserved as zealously as the efforts of totalitarian agents
are combated." It was difficult for Congress to legislate regarding un-American

47 Jerry Voorhis, "Congressional Investigations: Inner Workings," University of Chicago
"Inside a Senate Investigation," Harper's, February 1936, p. 286.
48 Report of the Special Committee on Un-American Activities, House Report No. 2,
January 3, 1939, p. 13; Report of the Special Committee on Un-American Activities,
House Report No. 1476, 76th Congress, 3d Session, January 3, 1940, p. 1; Report of
the Special Committee on Un-American Activities, House Report No. 1, 77th Congress,
activities without trampling the rights of "those who hold minority views concerning social and economic questions."\textsuperscript{48}

On the other hand, the Committee cautioned, the right of free speech was subject to some restrictions. The freedoms extended to Americans did not apply to aliens, who could be deported if they attempted to advocate one of the suspect "isms" within the United States. The United States government also reserved the right to "outlaw any organization which is found to be under the control of, or subject to the dictation of a foreign government." For example, by the terms of the Dies Committee Report, the safest way to crush communism in the United States without subjecting itself to accusations of the denial of freedom of expression or association, was, for example, to condemn the Communist Party of the United States (CPUSA) by exposing its servile relationship to the Soviet Union via the Comintern. Regarding U.S. citizens, the Committee explained that while Congress could not deny their rights of speech and association, it could focus attention and publicity on the actions of groups advocating communism or fascism.\textsuperscript{49}

Testifying before HUAC in 1947, Ronald Reagan would neatly summarize the debate on the proper role of congressional investigations of subversive activities.

I believe that, as Thomas Jefferson put it, if all the American people know all of the facts, they will never make a mistake. Whether the [Communist] Party should be outlawed, that is a matter for the government to decide. As a citizen, I would hesitate to see any party outlawed on the basis of its political ideology. We have spent a hundred and seventy years in this country on the basis that a

\textsuperscript{49}Id.
democracy is strong enough to stand up and fight against the inroads of any ideology. However, if it is proven that an organization is an agent of a foreign power, or in any way not a legitimate political party—and I think the government is capable of proving that—then that is another matter.

I abhor their philosophy, but I detest more than that their tactics, which are those of the fifth column, and are dishonest, but at the same time I never as a citizen want to see our country become urged, by either fear or resentment of this group, that we ever compromise with any of our democratic principles through that fear or resentment. I still think that democracy can do it.

While agreeing that the right to believe in and promulgate alternative ideologies is an inherent right, Reagan would take action against those whose ideology led them to affiliate and act on behalf of a foreign government. For the most part, however, Reagan would give the American people all of the facts and allow them to determine the truth for themselves.  

This was precisely the formulation used by the Dies Committee. Dies and the Committee believed that investigations played an important role precisely because they explored and exposed areas where Congress could not legislate. "I am not in a position to say whether we can legislate effectively in reference to this matter," Dies said in defending his inquiry, "but I do know that exposure in a democracy of subversive activities is the most effective weapon that we have in our possession." The 1939 Committee Report asserted that "While Congress does not have the power to deny to citizens the right to believe in, teach, or advocate, communism, fascism, and nazism, it does have the right to focus the spotlight of publicity upon their activities." And the 1941 Committee Report

reiterated, "This committee is the only agency of Government that has the power of exposure....There are many phases of un-American activities that cannot be reached by legislation or administrative action." 51

One of the primary Committee goals was to expose the subversive activities of certain groups in order to inform any innocent members of the true nature of the organization so that they might make an informed decision about whether to continue their affiliation. The 1940 Committee Report explained, "The committee perceives its principal task to have been the revelation of the attempts now being made by extreme groups in this country to deceive the great mass of earnest and devoted American citizens." "Those who believe unreservedly in the democratic form of government," the Committee wrote in 1941, "whether they look upon themselves as progressive and prolabor or as conservative and probusiness, will not hesitate to separate themselves from the totalitarian movements and their numerous front organizations." 52

In its devotion to the informing function, however, the Committee faced a potentially large problem. Although until the 1950s the Supreme Court did not directly address the question of the informing function in relation to investigations of subversive activities, in Kilbourn and McGrain it clearly indicated that its view of legislative investigations was much less expansive than the Committee's.

No written procedural rules governed the actions of congressional committees in the 1930s. As Congressman J. Parnell Thomas informed a hapless HUAC witness in 1948: "The rights you have are the rights given you by this committee. We will determine what rights you have and what rights you have not got before the committee." Thomas' remarks confirm that a congressional committee hearing, although performing a quasi-judicial function, should not be mistaken for a court of law. In a court of law, the purpose of procedure is to ensure a fair trial by providing a basic set of rules by which all parties abide. Procedure provides both rules for administering the legal system to guarantee that it is safe and equitable, and also provides the appearance of fairness, thereby giving the public confidence in the system. Witnesses before the Dies Committee were without such safeguards, and although the Committee claimed to provide at least some basic procedural protections, it rarely followed its own rules with consistency. 53

This failure on the Committee's part led to two important consequences. The first was the trauma suffered by witnesses who testified before an often abusive Committee in the glare of the media and the public, and/or innocent persons slandered by witnesses or the Committee. The second consequence was that procedural inadequacies irreparably damaged the Committee's reputation and undermined its work. Every instance in which the Committee heard reckless claims from biased witnesses made it appear to be the
congressional equivalent of the boy who cried wolf, providing an opening for its detractors to focus on the mistakes and cast doubt on the credibility of all of its work. Liberals and members of the Roosevelt Administration easily dismissed the Committee's findings as unreliable because they were obtained by questionable methods. Yet, as will appear, regardless of the Committee's slipshod procedures, the conclusions it reached were, broadly speaking, accurate.

Because the purpose of congressional investigations is to gather information and because they lack the power to punish, committees are not held to the same strict procedural standards as formal courtroom proceedings. Zechariah Chafee, Jr. observed in 1951 that congressional investigations were an excellent forum "to pass on general questions and badly suited for the decisions of individual cases." A committee acted within its proper bounds as long as it was collecting information to assist it in drafting legislation. But when it came to determining an individual's innocence or guilt in committing a crime or some other wrongdoing, then a committee was treading into an area far better reserved for the courts. Judges, with professional training and acting in accordance with procedural safeguards, were much better suited to the task than congressmen whose job "demands very different qualities."54

The rationale for lax procedures became complicated when investigations fulfilled their informing function. The purpose of the Dies Committee was to

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53 Thomas quoted in Taylor, Grand Inquest, p. 267; see also, Taylor, Grand Inquest, pp. 268-269.
uncover the sources of un-American propaganda so that the American people would be made aware of the existence and purpose of subversive organizations. This was necessary in part because there were few laws to wield against these groups—it was not against the law to be a Communist or a fascist. The point was to try these groups in the "court of public opinion." But at times, the Committee was not so much exercising its informing function as it was conducting a legislative trial. A committee crossed the line from investigation to legislative trial when it punished conduct which was not criminal; it allowed prosecutions based on evidence that would be neither sufficient nor admissible in a court of law; and it was used to trick persons accused of no crime other than "un-Americanism" into committing collateral offenses such as perjury or contempt, for which they could later be indicted.55

This placed the legislative committee in a quasi-judicial role, acting as judge, jury, and prosecutor, without judicial protections. Witnesses, who were sometimes treated as though they were defendants, were guaranteed no procedural protections. Nevertheless, although the issue has been raised repeatedly, both houses of Congress and individual committees have rejected the notion that investigating committees are bound by judicial procedures. As Ernest Eberling noted in his seminal 1928 study on congressional investigations, there was "sufficient evidence to indicate that if...investigative proceedings were

55 For a discussion of legislative trials, see Barth, Government By Investigation, pp. 81-83.
hampered by intricate rules and legal formality, their effectiveness would be materially lessened.\textsuperscript{56}

Likewise, courts have been loath to impose any semblance of legal procedure on congressional committees beyond the Fifth and Fourth Amendments. There are myriad procedural safeguards provided in a court at law, but not necessarily provided by congressional committees. For example, statutes of limitations did not protect committee witnesses. HUAC hearings of the late 1940s and 1950s condemned witnesses for their affiliations of the 1930s. Nor were protections against double jeopardy applicable to witnesses. It was not uncommon for the same witnesses to be hauled before multiple committees. When an individual was identified by a committee witness as a Communist, that individual had no guaranteed right to appear before the committee to refute the charges. If he did appear, he was usually not allowed to confront his accuser, cross-examine witnesses, impeach the testimony of his accuser, offer his own evidence, or call his own witnesses. Although usually allowed the right to be accompanied by counsel, he was not allowed to be represented by counsel. In other words, the attorney could not present a case, nor make any objections. The lawyer's only role was to whisper advice in his client's ear. Nor were committees bound by the rules of evidence. If a committee so desired it could allow hearsay testimony, and witnesses to attest to their impressions, inferences, and speculations.\textsuperscript{57}

\textsuperscript{56} Eberling, \textit{Congressional Investigations}, pp. 35-36, 296.
Moreover, the notion that an investigating committee lacked any power to punish does not hold up to examination. Punishment could come in the form of a ruined reputation or the loss of a job.\textsuperscript{58} "The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions, or associations is a measure of governmental interference," wrote Earl Warren in *Watkins v. United States*. "And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reactions in the life of the witness may be disastrous." The Court also noted that these same effects apply to individuals named by witnesses. But punishment also came in the old fashioned form when grand juries issued indictments based on information witnesses revealed in a forum in which they were denied procedural protections. Earl Browder discovered this after he made some ill-considered statements about his past use of falsified passports. Browder mistakenly believed the statute of limitations had run. Based on his Dies Committee testimony, he was later indicted, tried, and convicted to four years in prison.\textsuperscript{59}

Safeguards that applied specifically to congressional hearings were similarly permitted only to the extent that a committee determined. There was no

\textsuperscript{58} The Dies Committee did damage to reputations, heard charges that resulted in some individuals losing their jobs, and elicited testimony that resulted in some indictments and prison sentences, but the anticommunist network had not yet perfected its techniques. During the period identified with Senator Joseph McCarthy, for example, the job losses and ruined reputations vastly increased in number. When an individual lost his or her job after being labeled a Communist, the FBI would follow the person to their new place of employment and inform the new employer of the charges of subversion. Moreover, the number of prison sentences increased as a result of Smith Act prosecutions, and charges of subversion even led to a few suicides. See generally, Ellen Schrecker, *Many Are the Crimes* (Boston: Little, Brown and Company, 1998).
guarantee of a specified amount of time between receiving a subpoena and the hearing appearance. No settled rules existed regarding the right of witnesses to present prepared statements nor receive a transcript of the proceedings. Rules also failed to state whether hearings were to be opened or closed, nor whether to allow the presence of the media.

Of course, these procedural issues were unsettled for all congressional investigations. The Dies Committee, however, would frequently offer basic guidelines under which it purported to operate. Before hearing from its first witness in August 1938, Dies publicly announced his intent that the Committee follow basic evidentiary rules. He said that the investigation would be "fair and impartial," treat the witnesses with "fairness and courtesy" and that he expected as much in return from the witnesses. Any witnesses or observers who became disorderly would not be permitted in the hearing room. Asserting that the Committee was interested only in the truth, wherever that might lead, Dies said that he had no desire to allow "character assassination" or any "smearing of innocent people." Dies also observed that the fact that the Committee might disagree with the opinions and philosophies of another did not make those opinions un-American. "The utmost care, therefore, must be observed to distinguish clearly between what is obviously un-American, and what is no more or less than an honest difference of opinion with respect to some economic, political, or social question," Dies explained. He may have been sincere in this

statement. But it provided cold comfort to potential Committee targets since he made no attempt to define “obviously un-American.”

In announcing the procedural and evidentiary rules which would govern his hearings, Dies stated that the Committee was more interested in “facts than...opinions, and...specific proof than...generalities.” The Committee was striving to maintain a “dignified and judicial” hearing and, to that end, claimed not to be interested in statements of opinion or conclusion that would “have no probative force in any court of justice.” Finally, Dies said, as he would at almost every hearing, that any individual who felt he or she had been unjustly accused of un-American activities, or presented in an unfair light would be allowed an opportunity to appear and refute the charges. These few admonitions were the only guides the Committee offered on the first day. As the hearings progressed over the months and years that followed, the Committee added to this list. The most commonly asserted rules were the exclusion of hearsay evidence and that the witnesses were to attest only to information of which they had direct knowledge and was directly relevant to the matter at hand.

Many of the Committee members, including Dies, were lawyers. Moreover, beginning in 1939, the Committee hired attorney Rhea Whitley as its counsel and lead questioner. Presumably, the presence of so many lawyers

60 Hearings. Testimony of John Metcalfe, pp. 2-3.
61 Hearings. Testimony of John Metcalfe, pp. 2-3. Dies repeated the basic rules his Committee would follow on multiple occasions, some randomly chosen examples include the following: on hearsay, see Hearings, Testimony of John McGillis, p. 1249; on refuting charges, see Hearings, Testimony of Alvin Halpern, p. 766; on suppositions and drawing conclusions, see Hearings, Testimony of Margaret Kerr, pp. 851 and Hearings, Testimony of Seymour Revzin, p. 852.
would ensure at least a superficial adherence to legal standards. But the Committee seldom followed its own guidelines with any consistency. Ironically, from the first day, Dies recognized the potential consequences of failing consistently to follow its rules. "Neither the public nor Congress will have any confidence in the findings of a committee which adopts a partisan or preconceived attitude," he said. "Statements and charges unsupported by facts have no evidentiary value and only tend to confuse the issue." After delivering these principled statements to begin the first hearings, Dies would promptly ignore them.62

Witnesses would sometimes be allowed to read opening statements, but sometimes not. The distinction often appeared to be based on whether the Committee considered the witness to be friendly or unfriendly. Friendly witnesses would be offered the opportunity to read from prepared texts and present their information with little interruption. Unfriendly witnesses, particularly during the first year, were to be subjected to hostile and aggressive interrogations, all while Committee members insisted they were not acting as prosecutors, but were merely wanted to uncover the truth. Witnesses would be allowed to be accompanied by an attorney, although few were, and those counsels that did appear were not allowed any substantive role. Despite its insistence that it wanted only information based on direct knowledge, the Committee would often allow witnesses to engage in rank speculation. Likewise, although the Committee condemned hearsay evidence, its inconsistency in this

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62 Hearings, Testimony of John Metcalfe, p. 2.
matter was enough to make an outside observer to question whether the Committee actually understood the hearsay rule. One of the more important Committee rules would be to offer to allow any person named in a hearing the chance to refute the charges. But there was a catch—a person seeking to respond would not necessarily be heard immediately. Often the aggrieved party had to wait months, even as long as a year, before their appearance. In the interim, the charges usually appeared in the papers without refutation. Nor did the Committee feel obligated to wait to hear both sides before publishing its conclusions. In 1938, the Committee would publish its annual report in which most of the organizations labeled as Communist fronts had not yet proffered their side of the story.

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Critics frequently assailed the procedures that the Committee utilized, but, initially, many of these failings would be directly related to insufficient staff. The Dies Committee began its inquiry with a limited budget and, therefore, limited personnel. Lack of staff, in particular, an insufficient number of investigators, meant that the Committee was unable to perform a detailed, in-depth inquiry. Over the next five years, as the House annually re-authorized the investigation, it also increased the Committee’s appropriation. Larger budgets brought a corresponding increase in staff, but this did not completely ameliorate problems related to the investigators' performance. The voluminous surviving investigator
files attest to the tireless and diligent work of the Committee staff. But their task was not easy. Finding trustworthy sources, a lack of subpoena power for investigators, and the pervasive sense of danger continued to plague the Dies Committee’s staff.

Although the Dies Committee would frequently hear the charge that it was intent on undermining the New Deal, Dies would consistently claim the reverse was true—that the Roosevelt Administration "went out of [its] way to hamstring and discredit the investigation." The Committee’s resolute struggle against the powerful New Deal forces aligned against it would become a key element in the mythology Dies created about his inquiry. “Never,” he would write in 1963, “did the administration cease its efforts to destroy the Committee.” While Dies’ sense of persecution occasionally bordered on the paranoid, he did indeed have enemies within the Roosevelt Administration. In speeches, in the Committee’s first report to the House of Representatives and in his memoirs, Dies never tired of telling the story of the roadblocks thrown in the path of his investigation by the Administration.63

Conflict began with the initial House appropriation. Originally, the Representatives had allotted the Committee $100,000 for clerical and stenographic help and other assistants plus experts it might require. Trouble

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63 Martin Dies, “We Have Succeeded Despite Handicaps,” speech broadcast on NBC, August 30, 1938; Report of the Special Committee on Un-American Activities, Report No. 2, January 3, 1939, p. 8; Dies, Martin Dies’ Story, pp. 60-61, 31.
would arise, according to Dies' account, after he had expressed his "determination to investigate Communists as well as Nazis."

A number of Representatives of both parties expressed a general uneasiness that investigations of this kind often served primarily to tarnish reputations and exaggerate the truth. Speaker William Bankhead asked John McCormack—with whom Samuel Dickstein had co-chaired the 1934 inquiry on Nazism in the United States—for suggestions he might have regarding the Dies probe. Dies believed that McCormack's reply, forwarded to him by Bankhead, reflected the discomfort of both the House of Representatives and the Administration. Of the many considerations McCormack presented in this letter, Dies, in his memoirs, chose to focus on only one: "that the Committee should not investigate any organization, such as the CIO, simply because there were Communists in [it]." Dies' response was to tell Bankhead and Sam Rayburn that he planned to carry out an "honest and non-partisan investigation." Roosevelt, Bankhead and Rayburn were so alarmed by his determination, Dies claimed, that they "went to work" on the Committee on Accounts, resulting in a reduction of the original allotment from $100,000 to $25,000.

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64 Id.
65 Dies, *Martin Dies' Story*, pp. 60-61. The necessary funds to conduct the investigation were agreed upon during the opening debate on the resolution authorizing the Dies Committee. A second resolution went to the House Committee on Accounts seeking approval of the amount arrived at during the debate. In House Resolution 510, the Committee on Accounts approved $25,000 for expenditures for the employment of experts, and clerical and stenographic assistants. Moreover, the head of each executive department was requested to provide any legal, expert, or investigative assistance needed by the committee. *Expenses of Investigation of Un-American Propaganda*, House Report No. 2665, 75th Congress, 3d Session, June 9, 1938.
In all likelihood it did not take the Administration until the appropriation stage to realize that Dies intended to investigate Communists. Although the congressional debate authorizing the investigation had indeed emphasized Nazism, Dies always clearly expressed his intention to include Communists as a prime target of his inquiry. The congressman's anti-alien and anti-Communist rhetoric during the preceding years should easily have led to a prediction that Communists would be included in any investigation that Dies headed. Moreover, H.R. 282 had been in preparation for almost a year prior to its introduction. Dies claimed that Vice President John Nance Garner asked him to introduce the resolution. Given these facts, it was likely that the Roosevelt Administration had already been placed on notice that an investigation headed by a well-known anti-Communist was in the works. Moreover, McCormack's letter indicates that Dies' intention to probe communism, while still a matter of some controversy, was common knowledge. McCormack recommended that the Dies Committee should begin by looking at American Nazism, since that was the House's primary intent in authorizing the inquiry, but then, he wrote, "by all means investigate Communism." McCormack was particularly eager that the inquiry include "the Spanish situation," but he also considered Italian fascists and any "bigoted movements" in the country to be fair targets.66

Dies' belief that the Administration wanted him to ignore well-known organizations that might contain a few Communists was doubtless correct. But

the sequence of events he described in which he stood firm in the face of pressure from the White House, then suffered a reduced appropriation as a result, was probably Dies engaging in a bit of myth-making.

Whatever the motivation for reducing the Committee’s appropriation, according to Dies the House Accounts Committee, “apparently ashamed of this puny sum,” added that the investigation could seek the aid of legal experts and investigators from the heads of each executive department. Dies freely admitted that this was a common practice that had been recently afforded to the La Follette Civil Liberties Committee, a Senate committee investigating employer unfair labor practices. But the congressman interpreted the fact that this arrangement had been specifically addressed in H.R. 282 as another slight. "I doubt," he groused in his memoirs, "that there is any other instance where such a provision was specifically inserted." But Dies was wrong. The resolution authorizing the La Follette Committee included a similar provision. La Follette, however, had no difficulty securing personnel from executive departments, whereas Dies met resistance and outright refusal.67

Dies’ efforts to secure clerical and investigative assistance triggered the first clash between the Committee and the Roosevelt Administration. In accordance with the terms of the appropriation, in June 1938, Dies wrote to Attorney General Homer S. Cummings asking for the services of one attorney

67 Senate Resolution 266 authorizing the La Follette investigation of the rights of free speech and labor states the Committee has the power “to call upon the executive departments for clerical and other assistants.” House Resolution 282 creating the Dies Committee states “the head of each department is hereby requested to detail to said special committee such number of legal and expert assistants and investigators as said
and as many investigators as the Justice Department could spare. At the same time Dies also wrote FBI Director J. Edgar Hoover requesting that he assign to the Committee investigators experienced in probing German-American Bund and Communist activities. Hoover responded first, ceding authority one of the few times in his life by claiming that only the Attorney General had the power to assign FBI investigators to a congressional committee. The following week, Acting Attorney General Thurman Arnold replied to Dies, alleging that FBI special agents "were required to devote all of their services to the performance of the specific functions of the Bureau." As for the Justice Department, Arnold claimed that congressionally imposed restrictions and the department's limited appropriations prevented him from assigning any attorneys to the Committee. To Dies, this was an obvious slight: "It was a matter of common knowledge that the department had more lawyers and investigators than they could use, and that they had been freely assigned to other committees."\(^{68}\)

The Justice Department then delayed several months before honoring the Committee's request for its files on Nazi activities. Dies became angry enough to involve the President. In a letter to Roosevelt, the Chairman related his difficulties with the Justice Department. Observing that the La Follette investigation had employed investigators paid by the Justice Department and the Works Progress Administration, Dies asked the President's help in acquiring twelve investigators, one attorney, and several stenographers. "Ho-hum," the

President reportedly commented to his aides in response to Dies’ complaints. Roosevelt did, however, inform the impatient Chairman that he would look into the matter. Although it would take him over a month to get back to Dies, Roosevelt directed inquiries to the Acting Attorney General and to WPA Administrator Harry L. Hopkins, and forwarded their replies to the Committee.69

Refusing to provide help, Hopkins noted that Chairman Dies was asking that Committee staff members be placed on WPA payrolls, rather than simply asking that WPA employees be reassigned to the Committee. In the past, when the WPA had loaned its employees to other congressional committees it was handled as a reassignment. Furthermore, cutting off future solicitations, Hopkins informed Dies that even if he had requested that WPA employees be reassigned, the agency did not presently have the personnel to spare. As for the Department of Justice, the Acting Attorney General noted that every congressional committee made requests for investigators and it was Justice policy to refuse them all—other than the “rather exceptional situation” of two attorneys that had been assigned to the La Follette Committee.70

By September 1938, after having been completely shut out by the Administration, Dies took his case to the press, hoping to goad the President into providing some assistance. Despite the headlines, Roosevelt remained

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intractable. Robert La Follette, however, did assigne two of his investigators for Dies' use. Before their arrival, an anonymous caller warned Dies that they were Communist Party members. After questioning the investigators in executive session, the Committee determined them to be Communists, or at least Communist sympathizers. Dies rejected the investigators, concluding that they were sent by "someone high in the Administration" to sabotage his inquiry. Given that La Follette himself later identified several members of his committee as Communists, Dies' concerns were valid. No evidence has ever been produced, however, to prove this was a deliberate sabotage attempt. 71

Hampered by its $25,000 appropriation, the Dies Committee began its inquiry. The seven original Committee members included five Democrats, Dies, New Mexico's John J. Dempsey, Massachusetts' Arthur D. Healey, Alabama's Joe Starnes and Ohio's Harold G. Mosier; and two Republicans, Illinois' Noah Mason and New Jersey's J. Parnell Thomas. Because the controlling majority included two Democrats, Dies and Starnes, and two Republicans, Thomas and Mason, the Committee could claim that its actions were bipartisan. The real issue, however, was not Republican versus Democrat, but New Dealer versus anti-New Dealer. Of the controlling majority, all were conservative opponents to the New Deal. Reflecting the initial split on the Committee, Matthews, who was later appointed the Committee's Director of Research, pointedly left out Healey

and Dempsey when he dedicated his autobiography to "Three Democrats, Two Republicans: Five Americans."  

Political differences among Committee members were evident from the start. At the end of 1938, Committee investigator Stephen Birmingham was already warning Dies that he had heard rumors that a Committee member was planning to file a minority report. Birmingham speculated that either Healey or Dempsey would file it, but added that regardless of who issued the report, it had been "drafted by Communists in Washington." In addition, Birmingham heard that the Committee’s life would be extended for another year, but that "they are going to add a rabid New Dealer in the place of Mosier."  

Birmingham’s predictions did not initially materialize. Both Healey and Dempsey signed the Committee’s first report, but with reservations. During the 1939 House debate on re-authorizing the inquiry for another year, Healey criticized the Committee’s methods and procedures, although he added that he thought the investigation was of such importance that it nevertheless should be continued. If it voted in favor of re-authorization, Healey added, "I hope that the House will make it plain that it desires the committee to eliminate the unnecessary showmanship, and ‘appeal to grandstand’ that has done so much to impair the effectiveness of the committee’s work...." Birmingham was also incorrect when he speculated that Mosier, who had been defeated for reelection

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73 Birmingham to Dies, December 30, 1938, National Archives and Records Administration (NARA), Record Group (RG) 233, Series 1, Box 5, File: Birmingham.
in 1938, would be replaced by a "rabid New Dealer." Of course, "rabid New Dealer" is a subjective term, and Birmingham might well have placed Mosier's replacement, William Casey of Massachusetts, in this category. Casey was a liberal, and, therefore, would help block any attempts to use the Committee for partisan political purposes, but he did believe in the necessity of investigating un-American activities.74

Eventually, however, Birmingham's fears were confirmed. Healey resigned from the Committee before the start of the 1939 hearings. Attempting to redress the Committee's political imbalance, House Speaker Bankhead appointed pro-New Deal Californian Jerry Voorhis to the empty seat. Although membership would change slightly each year of Dies' tenure as chairman, Voorhis proved to be the most significant addition. He had been one of the Committee's most outspoken critics and his appointment did not change his views. Among Voorhis' complaints about Committee procedure were its use of hearsay testimony, its encouragement of statements "primarily intended for newspaper copy," permitting unsubstantiated testimony to stand uncorrected, and hearing witnesses with personal axes to grind. As a New Dealer, Voorhis believed that the duty of government was to aid the "release of productive energies" of businessmen, farmers and workers. By equating radical or subversive groups such as Communists with progressive or liberal viewpoints, Voorhis complained, the Dies Committee was being used as a tool of a broader movement to discredit the Roosevelt Administration. Voorhis made a distinction

74 Congressional Record, 76th Congress, February 3, 1939, p. 1115; Gellermann.
between persons disloyal to the nation and persons holding "divergent views on economic policy." Some of the individuals being condemned by the Committee aspired not to overthrow the country by force or violence, but sought "with all [their] heart[s] to see her perfected." Voorhis declared that the Committee's political battles, waged with accusations rather than argument, were a "sign of weakness in our national life." The first year of the Dies Committee investigation demonstrated only the dangers that arise when "by an attempt to expose subversive activities...we turn loose forces which destroy the very spirit and substance of democracy." For the foregoing reasons, Voorhis refused to vote for the renewal of the Committee in 1938 and 1939. He suggested instead that the work be continued by the Judiciary Committee, or that rather than wasting more time and money on continued investigations, Congress consider legislation based on the facts that it already possessed.\textsuperscript{75}

The appointment of Voorhis was widely perceived to be a check on the Committee. Against his better judgment but out of a "deep personal affection" for Bankhead, Voorhis accepted the assignment. Voorhis wrote in 1947 that some members of Congress assumed he would play the obstructionist to everything the Committee attempted to do, while others believed he accepted the assignment because he had changed his mind about the investigation and would

\textsuperscript{75}Congressional Record, 76th Congress, August 5, 1939, p. 11210; February 8, 1939, p.1228; Appendix to the Congressional Record, 76th Congress, February 1, 1939. pp. 385-387.
now quietly acquiesce. He interpreted the fact that his work on the Committee pleased neither of these two groups as a sign that he was doing a good job.  

Having been denied the necessary clerical support, investigators, and attorneys, the Committee set about cobbling together a staff. Prior to the mid-19th century, congressional committees were provided with clerks on a temporary basis. Procuring clerks required a special resolution of each house in each session. In 1856, the House Ways and Means and the Senate Finance committees were the first to receive regular appropriations for full time staff. Eventually the other committees followed suit, and by 1900, appropriations acts began regularly to include money for the employment of full time staffs for the standing committees in both chambers. Not until the Legislative Reorganization Act of 1946, however, did Congress provide for professional permanent staffs for all standing committees. Because early investigating committees also had no staff on which to rely, they conducted informal inquiries. As with standing committees, by the late 1800's and early 1900's, investigating committees made increased use of staffs. Nevertheless, although staffs were regularly utilized by investigations in the 1920s and 1930s, as late as 1929, critics complained that congressional inquiries lacked sufficient technical expertise. 

By the late 1940s, HUAC's staff was a formidable machine, but during the Dies era it was weak and, according to Voorhis, "its work...lacked continuity

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77 60 Stat. 832 (1946).
and...orderliness of procedure." Choosing a staff, said Voorhis, was the first
critical decision to be made by any investigating committee. Although Voorhis
recommended careful screening of applicants by all members of the committee
"until the very best available talent [was] secured," too often the hiring process
consisted of the chairman choosing who he wanted and asking the other
members to approve. These individuals, Voorhis explained, "[were] altogether
likely to be 'deserving' persons from the chairman's home district. Sometimes
they are even blood relatives. Hence committee members have their choice
between offending the chairman at the very outset of the investigation or
acquiescing in his choice—and generally they acquiesce." The Dies Committee
staff eventually earned widespread notoriety, and at least two of them, Robert
Stripling and J.B. Matthews, were as powerful, if not more powerful, than the
committee members themselves.79

When Voorhis spoke of the hiring of a "'deserving' person from the
chairman's home district," he might well have been describing Committee
Secretary Robert E. Stripling. Stripling's and Dies' families were old friends, and
the congressman originally brought the young man to Washington from Texas in
1932 in order to give him "a patronage job at $120 a month in the folding room of
the old House Office Building." Although he had attended both the University of

78 Kenneth Kofmehl, Professional Staffs of Congress (Indiana: The Purdue University
Investigating Committees, pp.166-167.
79 Jerry Voorhis, "Congressional Investigations: Inner Workings," University of Chicago
Texas and Texas A&M University without graduating, then went on to take some law classes at National University and Washington College of Law, also without graduating. "Strip" had proved his value to the congressmen as a dedicated campaigner. He would drive around the backwoods East Texas towns with a loudspeaker gathering crowds about an hour before Dies would appear to give a speech. Already secure in his patronage job, upon learning of the Committee's difficulties securing a staff, Stripling volunteered his services as secretary. This was a wise career move on his part. He spent the next decade with the Committee, during which time he was eventually given a salary. In 1947, he was promoted to chief investigator, a position he held until his resignation the next year.80

Never popular because his "air of righteousness and sanctity irritated lesser members of the House," Stripling was a physically unattractive man who was generally regarded as having a "sinister look about him." One reporter described him as "a tall, thin young man who wears horn-rimmed glasses, has slicked-down black hair, a sallow, drawn face and a habit of constantly pursing his thin lips together, as if continually revolting at something." Even a Stripling supporter like the New York Journal-American's Frank Conniff expressed some dismay that he was "a little too fast on the trigger with his $64 question—'Are you now or have you ever been a member of the Communist Party?'" Nevertheless, his detractors did credit him for the qualities, such as doggedness and a

photographic memory, which made him useful to the Committee. A Washington Post reporter wrote that "[Stripling] functions as a unique combination of master of ceremonies, chief counsel, main interrogator, and front-running guide through the labyrinths of subversive organizations." He came to be considered the most powerful person on the Committee other than the chairman.81

J.B. Matthews was an early expert witness on Communist front groups who was later hired as the Committee's Director of Research. Dies considered Matthews to be indispensable, writing in his memoirs: "This nation owes him a debt of gratitude which will not be paid, or even fully acknowledged, in this generation." Matthews came by his expertise honestly. Although he had never actually joined the Communist Party, he was a "fellow traveler" active in dozens of united front organizations. But Matthews' self-described "odyssey" involved more twists than simply that of radical turned informer. Matthews explained:

I moved from religious fundamentalism to the social gospel. From the social gospel with its earnest humanitarianism, I went to political reform. From political reform a la La Follette the Elder, I moved to pacifism. After pacifism came socialism of the Norman Thomas brand. I went, finally, from socialism to communism.

And from communism, Matthews made his way onto the Dies Committee. For it was Matthews' inclination, columnist Murray Kempton wrote, "to burn with one

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absolute faith and to lose it for another." Matthews was self-effacing about his journey, observing:

Without regard to what it may reveal in the way of intellectual instability I have acknowledged the embracing of a succession of panaceas....The thought of thoroughly overhauling or pulling down a social structure and rebuilding it according to one's own plans involves the exercise of vast power. The mere thought is enough to intoxicate its possessor.

This self-professed "social crusader's" willingness to embrace a series of potential solutions to society's ills, and his admission that he was torn between "Dr. Jekyll's appreciation for scholarship" and a desire to be the "Mr. Hyde of the revolution," prompted one contemporary critic to note that Matthews "presents himself as a complex, almost psychopathic character."82

Born in Hopkinsville, Kentucky to Methodist parents, Matthews grew up untroubled by any intimations of racial prejudice or the class struggle, issues that would come to dominate his adult life. In his world, he later recalled, "Everything dark was as simple as sin, and men needed only to repent and be saved in order to set everything right." Matthews earned an A.B. and a degree in theology from Asbury College, a small, fundamentalist school in Kentucky. Following graduation, he spent six years as a missionary in Java, teaching English and math at a school for Chinese nationals, and translating the Methodist hymnal into Malay. Returning to the United States in 1921, Matthews studied at Drew University, Union Theological Seminary, and Columbia University, earning degrees in theology and Oriental Literature. Although during his tenure on the

82 Dies, Martin Dies Story, p. 67; Mathews. Odyssey of a Fellow Traveler, pp. 256-258; Murray Kempton. Part of Our Time: Some Ruins and Monuments of the Thirties (New
Dies Committee he was referred to as "Dr. Matthews" or the more familiar "Doc," and Dies claimed this title was a "scholastic degree, honestly earned," there is no evidence that during the course of his studies, Matthews ever earned a doctorate. Murray Kempton snidely attributed Dies conferral of this title as "an honorary degree reflecting the semi-literate's awe of the scholar."  

During his graduate studies Matthews became enamored of the Social Gospel's attempt to apply the teachings of Jesus to current social problems. He took a job teaching at Scarritt College, a Methodist school in Tennessee. But his support for "Fighting Bob" La Follette's presidential campaign of 1924, his willingness to deliver campaign speeches on Sunday, his pacifism and his position on race relations, all caused discomfort among Scarritt's administrators. Resigning before he could be fired, Matthews eventually made his way to the Fellowship of Reconciliation (FOR) in 1929, where he spent the next four years. During the same year Matthews joined the Socialist party, and his relationship with the pacifist FOR was soon compromised by his growing belief that Marxian solutions, rather than the Social Gospel and pacifism, were the best answer to the nation's economic woes. Increasingly involved in left-wing causes and organizations, Matthews later wrote, "As I look back upon that work it seems that

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I had a finger in almost everything radical.” Ultimately, his willingness to carve from his pacifism an exception for class warfare resulted in his FOR dismissal.84

By 1930, although still involved with FOR, Matthews had become completely immersed in the Socialist world. Once again, however, he found himself at odds with his new cause. This time his sin was a willingness to embrace Communists in a united front. Since the Communist Party was then loudly disclaiming Socialists as “Social fascists,” Matthews’ new colleagues were troubled by his willingness to find common cause with their rivals. But Matthews ignored these concerns. In a 1931 speech on the Soviet Union that he delivered to an FOR gathering, Matthews failed to mention that the Soviets had imprisoned thousands of Socialists. In 1933, he gave a speech at a Communist rally held at Madison Square Garden. Finally, he agreed to chair and help organize the first American Congress Against War, a united front effort. These and other infractions earned him a year’s suspension from the Socialist party. At this point, Matthews conceded that he had moved to the left of the bulk of Socialists and that he had been part of a “militant” group seeking to move the party in a more revolutionary direction.85

“The winter of 1932,” Matthews recalled, “found me prepared to become a full-fledged fellow traveler.” Although he never actually joined the Communist Party, he viewed the Depression as proof that “everything was working out according to the Marxist schedule.” Because he believed that the revolution would occur only when all of the left-wing factions worked together, he was

84 Matthews, Odyssey of a Fellow Traveler, pp. 56-72, quote at p. 69.
distressed by their many divisions and devoted himself to a rapprochement of all Marxists. Matthews belonged to sixty organizations, delivered hundreds of speeches, and wrote articles for journals that covered the entire range of leftist organizations, from Socialists to Stalinists, to Lovestoneites, to Musterites, to Trotskyists. A detailed list of his work in various united front organizations comprises the bulk of Matthews’ autobiography. The Student Congress Against War, the National Student League, the American Student Union, the American Youth Congress, the World Youth Congress, Unemployed Councils, the International Labor Defense, the Free Tom Mooney Congress, the National Scottsboro Committee of Action, the Teacher’s Anti-War Conference, the Anti-Imperialist League, the American League Against War and Fascism were a few of the organizations to which Matthews either belonged, led, gave speeches or was otherwise affiliated.86

As committed as he was to the united front, Matthews later concluded that he had never been “as good a Marxist as I thought at the time.” Unlike his earlier affiliations, however, rather than the organization disapproving of Matthews, Matthews came to disapprove of the organization. Insisting that he had “no intention of becoming a factional tool of the Communist Party,” he was indignant when a front group called the Committee for Investigating Conditions in the Furrier’s Union used his name without permission. In 1934, Matthews was angered again when Communists disrupted a Socialist rally on behalf of Austrians struggling against fascist oppression. That same year, Matthews

85 ibid., pp. 77-86.
became vice president of Consumer's Research (CR), a consumer advocacy organization. When CR workers went out on strike in 1935 over the dismissal of three temporary workers, Matthews sided with management. Referring to the action as a “so-called strike,” he alleged that it had been engineered by fellow travelers to exploit workers and consumers on behalf of the Communist Party. The fact that the National Labor Relations Board eventually reinstated the dismissed workers did nothing to alter his view. The strikers formed a rival organization called the Consumer's Union (CU), and Matthews was widely condemned as a traitor by his united front colleagues. Although his relationship with united front groups ceased at the time of the strike, it was many more months before Matthews broke with the left.87

Claiming the "scholarly Dr. Jekyll in his nature had finally won the battle with the Marxist Mr. Hyde," Matthews had completely abandoned radical politics by 1936. Two years later, when columnist George Sokolsky introduced him to Dies, he was a dedicated conservative. As an ex-fellow traveler with extensive experience in front groups, Matthews was exactly the kind of witness for whom Dies had been searching. He brought to his work first-hand experience among front groups and his extensive files, which included letterheads and mailing lists. Using these letterheads, and the fact that the same names cropped up in the myriad organizations, the Committee hoped to prove their interrelationship, but more importantly to illustrate that each group was a front for the Communist

Party. Once he was employed by the Committee, Matthews had finally settled on his life’s work. Even after he left the Committee in 1945, he continued to write and lecture on anticommunism, as well as making the odd appearance to provide testimony to later congressional subversion inquiries.88

In addition to Stripling and Matthews, the Committee began its work with only four investigators and two clerks. These original investigators were Stephen Birmingham, John C. Metcalfe, Chester Howe, and Edward F. Sullivan. Of these, Birmingham came to the Committee with the most experience. A former New York City police detective, he had served as a Special Agent of the Military and Intelligence Bureau during the First World War, which included conducting special investigations for the Departments of State and Justice. After the war, he worked as a private investigator before joining the McCormack-Dickstein Committee as its Chief Investigator. Chester Howe had knocked about as a roughneck in the Texas-Oklahoma oilfields, and had been employed as a bank clerk, a traveling salesman, and by two Washington newspapers. But he had also logged four years with the U.S. Immigration Service investigating subversive activities and passport fraud. John Metcalfe came to the Committee by way of the Chicago Daily Times, for which he had infiltrated the German-American Bund.

in order to write a series of articles. Because he had provided information to the McCormack-Dickstein Committee, his name was passed along to Dies.\textsuperscript{89}

In the early phases of the inquiry, however, Edward Sullivan performed most of the investigative duties. Sullivan's questionable methods prompted the \textit{New Republic} to report that after Congress denied the Committee sufficient funds to carry out its investigation, "Mr. Dies showed he had outsmarted a niggardly Congress. His clever expedient has been to make no investigation at all." The problem, the periodical continued, was that Dies hired Sullivan, who "seems merely to have wandered about the country picking up whatever assorted accusations he could persuade police chiefs and strike-breaking employer's associations to hand him." These criticisms notwithstanding, Sullivan's tenure as an investigator was cut short after the La Follette Committee informed the press that Sullivan had engaged in labor espionage as an employee of the Railway Audit and Inspection Company. Moreover, Sullivan was charged with associating with anti-Semitic organizations. In other words, the Dies Committee's lead investigator had engaged in un-American activities.\textsuperscript{90}

On August 25, 1938, Labor's Non-Partisan League submitted to the Committee a brief, accompanied by seventeen exhibits, alleging that Sullivan had committed a variety of unscrupulous acts. Among the specific claims was that in

\textsuperscript{89} Resume, Stephen W. Birmingham, NARA, RG 233, Series 1, Box 5, File: Birmingham; Chester Howe to Martin Dies, June 9, 1938, NARA, RG 233, Series 1, Box 6, File: Chester Howe; Dies, \textit{Martin Dies' Story}, pp. 65-66; "The War on 'Isms,'" \textit{Newsweek}, August 22, 1938, p. 12.

\textsuperscript{90} "Demagoguery on the Cheap," \textit{New Republic}, August 31, 1938, pp. 102-103; Carr, \textit{The House Committee on Un-American Activities}, pp. 263-267; Goodman, \textit{The}}
the spring of 1938, Sullivan attempted to bribe a member of the National Maritime Union (NMU) to quit the organization and publicly state that he did so because the union was a "Jewish-controlled Communist organization." An affidavit from the NMU representative was included in the brief. In a separate affidavit, a newspaper reporter claimed that on the basis of information he received from Sullivan, he published and was later forced to retract a false story that an organizer for the United Textile Workers "forced his mother to live in destitution while he himself was receiving a good salary." The Non-Partisan League's brief also presented the La Follette Committee exhibits to support the claim that Sullivan had worked for the Railway Audit and Inspection Company, a notorious employer of labor spies. Other affidavits attested that Sullivan had engaged in anti-Catholic and anti-Semitic activities. Finally, Sullivan had at one time published his Consolidated News Service from an office he shared with James True. In 1936, Sullivan gave an anti-Semitic address at an Asheville, North Carolina conference which, among others, True and Gerald Winrod had attended. At this time, True and Winrod were well-known purveyors of right-wing propaganda, and would themselves become the target of the Dies Committee's inquiry in 1939.91

Sullivan wrote Dies a letter containing a point by point denial of each of these charges, but he claimed to be unable to provide any specific details because he was obligated to protect the confidentiality of the persons and

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Committee, p. 34; "Labor Group Accuses Dies Committee Aide," New York Times, September 8, 1938, p. 3.
organizations with whom he had come into contact. He explained that he was in no position to “reveal the mechanics behind my pervious [sic] activities...regardless of what sinister application has been directed towards me.” Publicly, Dies dismissed the allegations, stating that the Non-Partisan League might better spend its time examining communism in the CIO. When asked by reporter John Spivack, investigator Stephen Birmingham also denied the charges against Sullivan. Privately, however, Birmingham warned the Chairman of Spivack’s claim that “newspapers were sore on the Dies Committee” and that he feared that support for Sullivan would only generate greater media hostility. In the end, pleading a lack of funds, Dies dismissed his controversial investigator. Dies claimed that the decision to dismiss Sullivan had been made before the Non-Partisan League had released its August 25 report. Indeed, a telegram dated August 12, 1938, notifying Sullivan of his termination, supports this contention. “I am not bitter,” Sullivan later wrote Dies of the League’s attack, “but the feeling comes over me that it does not pay to be an American these days.” After his release from the Dies Committee staff, Sullivan found new employment with the Ukrainian Nationalist Federation, working to annex the Ukraine to the Third Reich.92

With this limited staff, it was impossible for the Dies Committee to conduct much more than a superficial examination of un-American activities. Dies had

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91 Subversive Activities of the Dies Committee’s Senior Investigator Edward Francis Sullivan, submitted to the Dies Committee by Labor’s Non-Partisan League, August 25, 1939. NARA, RG 233, Series 1, Box 11, File: Sullivan.
been critical of the Fish Committee's inquiry into Communist propaganda because its insufficient resources had forced it to rely on voluntary testimony, causing it potentially to miss "a lot of important information which could only be secured by intense investigation by trained investigators." To avoid this weakness, Dies had originally planned to utilize a period of six or seven weeks during which the FBI agents and investigators loaned to him from executive departments would gather information to "determine the course the investigation will take." He hoped to have his facts well in hand and thereby avoid a "shooting in the dark" approach before beginning hearings. The hearings, moreover, were to be closed to the general public, but open to the media. After this approach was barred to the Committee because the Justice Department and the WPA refused to loan investigators, Dies was forced into the same position as the Fish Committee: public hearings and voluntary witnesses.93

The Committee was compelled to rely heavily on testimony from "patriotic" groups including the American Legion, Daughters of the American Revolution, Veterans of Foreign Wars, and Boy Scouts of America. For example, one early volunteer witness was Walter Steele, editor of the conservative National Republic and chairman of the American Coalition Committee on National Security, an umbrella organization comprised of 114 "patriotic" organizations. Through the Coalition, Steele claimed to speak for twenty million Americans. During the

92 Sullivan to Dies, September 4, 1938; Sullivan to Dies, September 29, 1938; Telegram, Dies to Sullivan, August 12, 1938, NARA, RG 233, Series 1, Box 11, File: Edward F. Sullivan, 1427.
course of his testimony before the Dies Committee, he asserted that hundreds of organizations, from the American Civil Liberties Union to the Camp Fire Girls, were in danger of being misled by subversives. Steele had previously testified for the Fish and McCormack committees where he explained that he based his expertise for ferreting out subversives on his method of collecting names he found in Communist publications.94

It was the poor quality of these initial witnesses that raised liberal hackles. Jerry Voorhis later observed that the Committee tended to accept uncritically this early testimony. "Some of the witnesses were competent, many of them were not," he said. "Some of them were little more than hired purveyors of sensational exaggeration." In Voorhis' estimation the Committee improperly allowed the public airing of such unsubstantiated claims.95

Dies consistently rejected these criticisms. In the Committee report of January 1939, he denied that most of the witnesses were voluntary. He admitted, however, that a few witnesses did appear at the request of national "patriotic" organizations. But in addition to spokesmen for these patriotic organizations, Committee hearings in Washington, New York, Detroit and California featured hundreds of witnesses from a variety of backgrounds and political affiliations. The Committee heard witnesses representing both the

American Federation of Labor and the Congress of Industrial Organizations, as well as workers, police officers, reporters, lawyers, clergymen and academics. Most of the witnesses, the report claimed, were located by investigators, subpoenaed, then provided transportation and the standard witness fee to appear. This claim was somewhat specious given that many witnesses willingly testified for the Committee, but requested a subpoena to make it seem as though they had been forced to appear. In his memoirs, moreover, Dies admitted to a heavy reliance on two sources of information both of which had strong biases, the files of the American Legion Americanism Committee and information gathered by the AFL on Communist infiltration of the CIO.96

As to the argument that it uncritically accepted sensational testimony, in its first report the Committee argued that despite being handicapped by a small support staff, the investigation based none of its findings on hearsay or opinion testimony. Dies later explained that the "axe-grinders"—Nazis wanting the Committee to investigate Communists and Communists wanting an investigation of Nazis—were the first to present themselves as volunteers. Believing that these groups were motivated by their own self-serving interests, he refused them all. Although acknowledging that many witnesses presented biased and exaggerated testimony, Dies insisted that he knew when this was happening and discounted it. Moreover, testimony of witnesses "from widely separated areas"

often corroborated each other, and testimony of one witness was often supported by the documentary evidence presented by another. 97

The Committee's personnel deficiencies forced it to rely on a procedure it had hoped to avoid—the use of volunteer witnesses—and the damage to its reputation from this expedient would be lasting and ultimately irreparable. An increased appropriation for 1939 enabled the Committee to enlarge its administrative and investigative staff and develop a fairly consistent method for conducting its investigations. The most important addition to the staff in the second year was ten year FBI veteran Rhea Whitley as Committee counsel.

Dozens of investigators, clerks, secretaries and stenographers would work for the Dies Committee from 1938 to 1944. Some stayed for many years, others lasted but several months. The staff collected the necessary files, records and background information, conducted interviews with potential witnesses, and tracked down leads prior to the start of public hearings. Investigators also offered suggestions for organizing hearings and provided draft questions for the Committee to ask of witnesses. Ideally, the public hearing would provide enough drama to attract press attention, but unearth no information that had not previously been discovered in the staff's preliminary research. Finally, staff members usually had a hand in drafting the annual Committee reports. 98

Generally, an investigator was assigned to a city and was responsible for conducting inquiries throughout the entire state and region. Two or more

investigators might be assigned to large cities or cities such as Chicago and Los Angeles where un-American groups were believed to be particularly active. For example, Robert Barker operated out of Pittsburgh and Philadelphia, Birmingham spent most of his time in New York, George Hurley and James Steedman were assigned to California, Thomas Nash and Charles Randall covered Chicago and Milwaukee, and Wick Fowler's investigations took him across most of the south.99

Upon arrival in his assigned city, the investigator would take up residence at a local hotel, then attempt to secure offices and stenographic help. If possible, offices were secured in a federal building, in which case the Committee was not asked to pay rent. Stripling oversaw most administrative matters, such as mailing office supplies, stationary, expense vouchers, and subpoena forms from Washington, and all communications and correspondence were to be directed to him. While Stripling provided daily report forms, the investigators submitted comprehensive weekly reports in whatever form they chose. These reports, which varied greatly in substance and style, generally summarized the investigator's activities—where he went and with whom he spoke. They were usually accompanied by handbills, pamphlets, affidavits, or any other documentary evidence collected. Investigators also acted as a clipping service.

99 On geographical assignments, see Whitley to Dies, December 21, 1939, NARA, RG 233, Series 1, Box 11, File: Rhea Whitley.
regularly sending local editorials and newspaper accounts of the investigation back to Washington. 100

The reports make for interesting reading and, in addition to revealing the kind of information the investigators thought the Committee sought, frequently provide insight into the investigators' personalities and proclivities. "The social equality teachings of the Communist Party will be exemplified by white women who are either living with or married to Negro men in Detroit," Chester Howe wrote Stripling. "This angle should certainly go very well below the Mason-Dixon line." Harry Pfaltzgraff offered profiles on individual Communists that included not only their Party work, but tales of "debaucheries and sex orgies." "Sykes is politically ignorant, stupid and degenerate," Pfaltzgraff concluded about one of his subjects. "He has the usual inferiority complex and inflated ego that characterizes most Communists." Of another, he observed, "Esther is clever, versatile, sophisticated and reasonably handsome....She possesses sufficient of the Communist morality to exploit sex matters politically." The sexual profligacy of Communist women was one of Pfaltzgraff's favorite topics. "Unfortunately for her and the many youths she had influenced," he wrote of one Party member,

100 On office space, see Howe to Stripling August 11, 1938, NARA, RG 233, Series 1, Box 6. File: Chester Howe; on administrative matters, see Dies to Birmingham, February 21, 1939, NARA, RG 233, Series 1, Box 5. File: Birmingham; Hurley to Stripling, April 9, 1939, Series 1, Box 7. File: Hurley; Hurley to Stripling, April 14, 1939, Series 8, Box 17. File: Hurley and Steedman; all of the investigator files contain newspaper clippings, see generally NARA, RG 233. Series 1.
“Sylvia’s background is one of moral and political decadence. Her mother is a known political and physical prostitute, inside and outside the Party.”

The reports of California investigators Hurley and Steedman were also frequently distinguished by their engaging asides. In one telegram to Stripling, the investigators listed some of John Steinbeck’s works, noted the author’s popularity in Moscow and explained that his “Communist Party line novel,” The Grapes of Wrath, “gave [an] untrue and colored interpretation of Oklahoma farmers and California agricultural conditions.” In another report, the investigators mused that American Catholics might be interested to learn that CIO leader John Brophy had a photograph of Stalin hanging on one of his bedroom walls, across from which hung a picture of Jesus. This information, the investigators assured Stripling, came from “very reliable sources.” Yet for all the anticommunist sentiment expressed in their reports, Hurley and Steedman were also capable of the occasional startling insight, such as their observation about the West Coast working conditions that led to the meteoric rise of labor leader Harry Bridges:

The...reports that investigators have received from both sides of this situation—the employee and the employer—indicate one fact that shall always have to be born[e] in mind in order that perspective may not be lost. The employers are to blame in large part for what has transpired in the past. Poor working conditions...the almost dictatorial attitude assumed by the employer...made the situation on the West Coast ripe for a radical with any sense of imagination.

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101 Chester Howe to Robert Stripling, August 11, 1938, Series 1, Box 6, File: Chester Howe: Confidential Memorandum on Frank Sykes, Esther Nickerson, Sylvia Gossman Alston, NARA, RG 233, Series 8, Box 29, File: Pfaltzgraff, May 22-24. 1941.

102 On Steinbeck, see, Steedman and Hurley to Stripling, November 24, 1942, NARA, RG 233, Series. 1, Box 10, File: Steedman 1942; on Brophy’s décor, see Hurley and...
The Committee paid investigators five dollars a day for food and lodging, although more money was available by request for “necessary and reasonable expenses.” Committee Secretary Stripling, responsible for reviewing expense accounts, warned that the Committee would not cover any unnecessary charges such as frequent long-distance phone calls or large taxicab bills. Finances were a constant source of worry for investigators. They did not receive money until Stripling approved their expenses, which entailed waiting the time that it took for vouchers to be mailed across country and for expenses and paychecks to be mailed back. This was a particularly difficult situation given that financially strapped investigators were often supporting themselves on assignment while maintaining a home somewhere else. Investigators were often forced to dip into their own pockets for expenses such as paying informants. As George Hurley complained to Stripling, they were “always eighty or a hundred dollars behind.” If unable to pay their bills themselves, investigators waited uncomfortably until the Committee came through. “As I have had no expenses since arriving here, you can understand that I am quite anxious to have the last voucher sent,” Chester Howe wrote Stripling. “Really I am not kidding when I say that the hotel people are beginning to give me the fishy eye.” When it was time to check out, the hotel did not get paid until after Stripling had separated Howe’s expenses from the Committee’s. “In order to get out of the hotel gracefully, owing them a considerable bill,” he wrote Stripling, “I am giving them a voucher which, of course, you will hold out from the disbursing office until such time as my itemized

expense account comes through." The Committee and Howe then individually settled their accounts.103

It was not only in the matter of expenses that the Committee maintained a tight reign on its investigators. No subpoenas could be issued without first receiving permission from the Committee. Any materials obtained by subpoena were immediately to be sent to Washington. The Committee also prohibited investigators from sharing information with any individual or government agency without first asking permission. And under no circumstances was an investigator allowed to reveal anything to the press without Committee authorization. A careless statement might end up in the paper and alert an organization or a potential witness that a subpoena was soon to be served. Since witnesses did attempt to avoid service and hide or destroy their files, this was potentially a serious problem. An investigator discovered giving information to reporters was subject to immediate suspension. On more than one occasion an apprehensive investigator wrote Stripling to explain that he had not been the source for a newspaper article. In one instance, Robert Barker was so concerned that the Committee might think he was the source of local press reports that he asked a lieutenant from the Philadelphia Department of Public Safety to write Dies and vouch for his innocence.104

Although in its first year the Committee appears to have provided very little formal guidance to its investigators other than that they were expected to "render

103 Dies to Birmingham, February 21, 1939, NARA, RG 233, Series 1, Box 5, File: Birmingham; Robert Barker to Stripling, March 20, 1939, NARA, RG 233, Series 1, Box 5, File: Barker; Howe to Stripling, August 11, 1938; October 24, 1938, NARA, RG 233, Series 1, Box 6, File: Chester Howe; Hurley to Stripling, March 12, 1939, Series 1, Box 7, File: Hurley.

104 On the rule against speaking to press, see Dies to Robert Barker, March 7, 1941, NARA, RG 233, Series 1, Box 5, File: Barker; Dies to Birmingham, February 21, 1939; letter denying giving information to the press, see Birmingham to Stripling, October 3, 1940, NARA, RG 233, Series 1, Box 5, File: Birmingham; Lieutenant of detectives to Dies, February 28, 1941, NARA, RG 233, Series 1, Box 5, File: Barker.
fair, impartial, honest and efficient service,” the following year, Dies outlined the kind of information he sought. His advice reflected the renewed emphasis the Committee placed on the examination of Nazi and fascist activities in 1939. This included determining whether there was any Nazi or fascist activity within the investigator’s territory, whether any propaganda appeared in the local foreign-language newspapers, whether Nazis or fascists were active in any local political or labor organizations, and “what class of people” and what nationality were interested in Nazi or Communist activities. In a similar letter from 1941, Dies referred investigators to the published volumes of Committee hearings to find lists of the organizations which they should investigate. This time, Dies stressed the need to uncover the financial arrangements of right-wing and Communist groups. He suggested that they ask local banks for the necessary information. Dies also directed his investigators to begin their search by consulting with local law enforcement.105

Seeking assistance from local authorities was usually the first step taken by an investigator upon arriving in a new city. This was particularly fruitful if the city had its own red squad. Red squads had existed in major urban centers such as New York, Chicago and Los Angeles prior to the 1930s, but as social activism sparked by the Depression intensified, police departments increasingly relied on these specialized units. Red squads spied on labor and radical organizations, created dossiers, extensive card-file systems, and collected literature and other materials that could be used in prosecuting criminal syndicalism cases.106

105 Dies to Chester Howe, February 21, 1939, NARA, Series 1, Box 6, Folder: Chester Howe; Dies to Stephen Birmingham, April 6, 1939, NARA, RG 233, Series 1, Box 5, File: Birmingham; Dies to investigators, 1941, NARA, RG 233, Series 1, Box 6, File: Chester Howe.

A primary purpose of the inquiry into native fascism was to prove the interrelationship of different groups; likewise, with communism, the Committee sought to illustrate Party control over a plethora of alleged front groups. Since local police had more than likely been keeping tabs on these organizations, they were in a good position to inform investigators whether the same people had been attending meetings of different groups. Local authorities, Dies suggested, could also describe the type or “class” of persons attending such meetings and estimate the number of people involved in these organizations.\footnote{Id. In 1939, as fears of espionage and sabotage increased at the start of the war in Europe, Franklin Roosevelt signed a Presidential Order requiring local police to relinquish to the FBI any material related to “espionage, counter-espionage, sabotage, subversive activities and violations of neutrality laws.” Thereafter, federal authorities assumed the lead in these matters, but red squads played an important role in gathering and filtering intelligence for the FBI. Donner, Protectors of Privilege, p. 46.}

Local red squads were usually eager to help Dies Committee investigators, giving them total access to their files and allowing them to make copies of the material. For example, the Dies Committee files contained a large amount of information copied from the records of the Los Angeles Police Department’s Red Squad, established by Police Chief James E. Davis and run by William F. “Red” Hynes. Davis and Hynes, along with Mayor Frank Shaw, helped comprise a notoriously corrupt city government addicted to graft and willing to use the power and authority at their disposal to maintain their positions. With Davis’ support, Hynes accepted slush fund payments from business and agricultural interests to supply and supervise strikebreakers in Los Angeles and the Imperial Valley. Mayor Shaw utilized a “secret service” supervised by Davis to spy on his political enemies. But it was Hynes’ exertions against Communists that interested the Committee. Hynes’ men were well-known for administering savage beatings on attendees of Communist Party meetings and demonstrations. But Hynes’ Red Squad had also spent fifteen years collecting
propaganda and assembling dossiers on local Party members. Always seeking something for himself, during the Dies Committee investigators’ first trip to L.A., Hynes informed them he would open his files and reveal his operatives only if the Committee agreed to hire him as an investigator. By 1939, however, a reform movement had ousted the corrupt Mayor Shaw. The new mayor, Fletcher Bowron, fired Davis, abolished the Red Squad, and demoted Hynes to “burglary detail” in West Los Angeles. This was a fortunate turn of events for the Committee since Bowron also agreed to open Red Squad files to Hurley and Steedman. Access to these files provided an excellent overview of the Communist situation in Los Angeles, sparing Hurley and Steedman from much of the usual preliminary spadework.\textsuperscript{108}

Without the assistance of a local red squad, the duties of the investigator were seriously complicated. Up the coast in San Francisco, for example, Hurley and Steedman discovered conditions were radically different from those in L.A. Police Chief William Quinn had been unable to maintain his “Radical Squad,” particularly after the Maritime and General Strike of 1934. Hurley and Steedman reported to Washington that Quinn’s hands were tied by the strength of the Communist Party in the CIO, and the fact that the Party had “infiltrated into practically every organization of importance in the city.” Quinn believed that any attempt to actively oppose the Party would only “stir up mass demonstrations.” He limited his department’s actions, therefore, to stopping “outward radical demonstrations” only. Quinn did what he could for the two investigators, offering

them the services of a detective who specialized in radical activities and could supply them with names of potential informants.109

Chicago's Industrial Squad, under the supervision of Lieutenant Make Mills, provided another rich source of materials mined by investigators. Like his Los Angeles counterpart, Mills would disrupt gatherings or demonstrations whenever an allegedly subversive organization failed to obtain advance permission to meet. But obtaining permission could be difficult since it was Mills who granted the permits, which he often intentionally denied or delayed. In addition to breaking up meetings with billy club-wielding police, Mills maintained a massive file of index cards recording the name, occupation, nationality and leadership roles of some 5,000 local Communists and 75,000 Communists nationwide. He had testified before the Fish Committee, and in 1940, before the Dies Committee. Mills' files were invaluable to Committee investigators. Anytime that Stripling or Committee counsel Rhea Whitley asked a Chicago-area investigator to look into the activities of a specific individual, he would first check the name against the Industrial Squad's files. Harry Pfaltzgraff made it a habit to drop by Mills' offices on a daily basis, reporting to Washington: "In contact with Lt. Mills at all times regarding imperative information, etc." In fact, after Mills lost one of his major sources of information, Pfaltzgraff lamented that he, too, would be forced to "start scouting around to see if I can't pick up a couple of good informers of my own."110

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110 Donner, Protectors of Privilege, pp. 49-52; Activity Report, March 9-12, 1941, NARA, RG 233, Series 8, Box 30, File: Pfaltzgraff, March 9-12, 1941; Pfaltzgraff to Stripling, May 15, 1941, Series 8, Box 29, File: Pfaltzgraff, May 11-14, 1941.
Even lacking a red squad, local officials would assist where possible, including assigning officers to aid Committee investigators. To help investigator Robert Barker infiltrate the local Bund, the Pennsylvania State Police provided two troopers, one of whom spoke German. Using assumed names, the troopers entered and toured the Bund's Camp Nordland while Barker hid in nearby bushes and recorded the license plate numbers from 320 cars. The State Police then ran a check on each tag. Similarly, the Texas, New Mexico and Arizona State Police were also eager to help Wick Fowler. The Texas State Police even handpicked a special squad to aid the investigator.111

But investigators were not to rely solely on local law enforcement. They were also expected to develop their own sources of information through which they could discover the extent and nature of local subversive activities and develop potential Committee witnesses. This was not always an easy task. Hurley and Steedman were assigned a territory that stretched from San Diego to Seattle, a distance of some 1,500 miles, Hurley liked to remind Stripling. To cover such an immense territory required that the two investigators rely on intelligence from whatever quarter they could find it. Nevertheless, by their second week in California, they had secured informants in San Francisco, Los Angeles, San Diego, and Portland. They located informants by talking to local businessmen and members of fraternal and patriotic organizations such as the Rotary Club or the always amenable American Legion. Such individuals and groups were usually happy to cooperate, and could often steer the investigator to others active in the anticommunist network. But investigators were to exercise

111 Barker to Stripling, March 26, 1939, NARA, RG 233, Series 1, Box 5, File: Barker; Barker to Dies, June 17, 1940, Report of Investigation at Newton, N.J., NARA, RG 233, Series 8, Box 3, File: Barker 1940, Camp Nordland; Fowler to Stripling, October 14, 1940; Tom Summers, New Mexico State Police to Fowler, October 15, 1940; W.T. Allen, Arizona Highway Patrol to Fowler, October 14, 1940, NARA, RG 233, Series 1, Box 6, File: Fowler, Wick.
care in choosing informants; for as Dies cautioned, "every effort should be made to avoid the possibility of being misled by prejudiced or exaggerated statements...." In addition to weeding out the cranks, the task of finding reliable witnesses was complicated by the fact that the Committee had many enemies. Tipsters might have an axe to grind or they might intentionally feed the investigators false information.\textsuperscript{112}

In chasing down every lead, investigators were often sidetracked by "screwphoneys." Wick Fowler wasted a day listening to the stories of General R.L. Hearn (alias Leo Aronson), who claimed to have been a Lieutenant-General commanding 300,000 troops under Chiang Kai Shek in 1923. Hearn lived in a shack in a Galveston, Texas fishing camp with his "apparently intelligent wife," three hound dogs, a typewriter, and a stack of detective novels. Among the pieces of information that Hearn offered Fowler were that Japanese fishing boats held naval maneuvers off the coast of California, and Japanese truck gardeners sold vegetables in California covered in a poison solution that could not be washed off. Most frightening, however, was the plot Hearn uncovered in which the Japanese planned to sabotage California oil reserves to create an oil slick in Los Angeles harbor, which they would set on fire to force American ships out to sea. Once at sea, the American ships could be attacked by converted Japanese tuna boats. Like any good investigator, Fowler asked Hearn for documentary

\textsuperscript{112} Hurley and Steedman to Stripling, March 8, 1939, Series 1, Box 7, File: Hurley; Dies to Steedman and Hurley, March 9, 1939, Series 1, Box 7, File: Hurley; Hurley to Steedman, April 9, 1939, Series 1, Box 7, File: Hurley. In addition to the West Coast, Hurley and Steedman were originally assigned Albuquerque, New Mexico and San Antonio, Texas. Dies not only removed the latter two cities from their load, but assigned another investigator, Charles Randall, to cover San Francisco. Dies to Hurley and Steedman, March 9, 1939.
evidence of these plans, only to be told that, tragically, all of the proof had been destroyed in a recent Galveston hurricane. 113

Where informants were scarce, investigators undertook their own undercover operations by “circulating among [the Communist] element.” They would haunt local Communist bookstores without identifying themselves, attempting to glean as much information as possible from employees and neighbors. An investigator was sure to be in attendance at any rally, parade, demonstration, picnic, or public meeting held by the German-American Bund or Communist Party front groups. In a typical week, for example, Chicago investigator Thomas Nash attended a speech given by Earl Browder, a meeting of the German-American Bund, and a performance of the Martha Graham Dance Group sponsored by the Chicago Civil Liberties Committee. The resulting report contained summaries of speeches and meetings that included the number of people in attendance, individuals who could be identified, and literature distributed. 114

Although investigators would sometimes attempt to do their own undercover work, they were often too well known to investigate in secret. Since part of their job involved contacting the local leaders of allegedly un-American organizations and arranging interviews, it was often impossible to mingle unnoticed at meetings. For example, while Harry Pfaltzgraff spent the week of March 9-12, 1941, attending a “Citizens Keep America Out of War Meeting” and


114 George J. Shillito to Dies, May 23, 1941; Shillito to Stripling, April 24, 1941, NARA, RG 233, Series 1, Box 9, File: Shillito: Report of Investigation and Contacts Philadelphia, NARA, RG 233, Series 8, Box 5, File: Barker Reports March 1941; Hurley and Steedman to Dies, March 5, 1939, Series 1, Box 9, File: Steedman; Investigative Report No. 4, March 25, 1939, Thomas Nash, NARA, RG 233, Series 8, Box 22, File: Nash, Thomas J. (Report 5).
a birthday banquet honoring William Z. Foster, he also interviewed former Silver
Shirter Eugene Case, investigated the individuals mentioned in Case’s interview,
and made daily trips to Chicago’s Industrial Squad headquarters where he
consulted the files of Lieutenant Make Mills. Once an investigator began to
interview local members of right-wing and left-wing organizations or was seen
frequenting the local police headquarters, undercover work was no longer a
viable option.115

When unable to conceal their presence, investigators would ask informers
to attend the meetings and report back. Because very little information was
provided on these confidential sources and they were rarely identified, it is
difficult to determine how investigators recruited them. Thomas Nash, for
example, transmitted a detailed report of a Fourth of July Communist Party picnic
that included the substance of a speech delivered there by Elizabeth Gurley
Flynn. While it was not unusual for former Party members to provide such
information, Nash identified his informer in this instance as a current member.
He did not state how he met his source, whether the Party member was aware
that he was providing information to a Dies Committee investigator nor, if he was
aware, why he was willing to do so.116

In many instances, investigators received the names of informers from
local authorities. But the fact that these individuals had served in this capacity for
local red squads did not mean that they were eager to provide the same services
to the Dies Committee. This was especially true in San Francisco where “fear of
the authority and power of the Communist Party” and the charge of “redbaiter”

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115 Activity Report, March 9-12, 1941, NARA, RG 233, Series 8, Box 30, File:
Pfaltzgraff, March 9-12, 1941.
116 Barker Report of Investigation, Crusader White Shirts, July 18, 1939, NARA, RG
233, Series 8, Box 3, File: Barker, Crusader White Shirts; Nash to Stripling, July 7,
1939, NARA, RG 233, Series 8, Box 24, File: Nash, July 7 (Report).
made even employers hesitant to provide information. California investigators Hurley and Steedman, however, obtained some cooperation on the promise that they would strictly guard their informants' identities.117

Robert Barker, on the other hand, while usually careful to refer to his informers by an assigned number, provided more information about who they were and what functions they served. Barker paid two college students from the University of Pittsburgh three dollars a day to infiltrate German-American Bund camps under assumed names, attend meetings, check addresses, chase down leads, and perform other small jobs between classes. To ensure that he was receiving accurate reports, Barker would also occasionally send two informers, unknown to each other, to the same meeting. Barker made good use of his informers while maintaining a low profile himself. Informer No. 2, for example, asked the German-American editor of the Pittsburgh Post-Gazette to review Pittsburgh's two weekly German-language papers for useful information, but did not reveal that it was the Dies Committee which sought the translations.118

In addition to conducting their own inquiries, Committee investigators followed-up on leads received from Washington. By letter, telegram and telephone, the Dies Committee received hundreds of tips regarding the allegedly un-American activities of individuals and organizations. Restricted by a lack of funds, at the end of 1939, the Committee had five hundred undeveloped leads. It was Rhea Whitley's job to sort through these leads, then pass them along to the appropriate investigator. Whitley would mail a memo that included the lead, along with any relevant information already in the Committee's possession. The

118 Barker to Stripling, March 14; Barker to Stripling March 20, 1939. NARA, RG 233, Series 1, Box 5, File: Barker; Barker to Stripling, March 26, 1939. NARA, RG 233, Series 8, Box 2, File: Barker, Report March 26, 1939.
investigator was then expected to follow-up on the information and return all the material, along with a report "which reflects that [the lead has] received appropriate attention." Whitley was as likely to pass along an anonymous lead as one from a known source. For example, Whitley instructed Thomas Nash to look into the Employers Mutual Liability Insurance Company of Wausau, Wisconsin after receiving a letter alleging among other items that all of the top executives were German, that employees had been fired in order to make room for the hiring of Nazis, that branches were being opened in all of the western states, and that company officials had supported La Follette "with both barrels." The letter was signed: "Just An American." Another typical lead was a letter from a C.L. Masters, who claimed to have been beaten by striking workers during the violence that accompanied the Allis-Chalmers strike in Milwaukee. Although Masters offered nothing beyond a vague promise to tell a "very interesting story of the riot," Whitley sent the lead to Nash for further inquiry.\(^{119}\)

Stripling or Whitley would also occasionally ask investigators in each city to pursue a specific line of inquiry. In 1939, for example, Whitley instructed investigators in Chicago, Los Angeles, Pittsburgh and Boston to determine whether the local secretaries of the American League for Peace and Democracy (ALPD) were Communist Party members. In Chicago, Thomas Nash interviewed ALPD Secretary Gilbert Rocke, who discussed the work of his group, but denied any Communist connections. Rocke supplied Nash with materials, which the investigator forwarded to Stripling. Unconvinced by Rocke's denial, Nash next consulted the files of Chicago's Industrial Squad. There he found copies of the Daily Worker identifying Rocke as a member of a John Reed Club and a

\(^{119}\) On undeveloped leads, see Whitley to Dies, December 21, 1939, NARA, RG 233, Series 1, Box 11. File: Rhea Whitley: on leads, see Rhea Whitley to Thomas Nash with accompanying Memo, June 10, 1939. Whitley to Nash, June 19, 1939 with accompanying Memo., NARA, RG 233, Series 1, Box 8. File: Nash;
contributor to the New Masses. These and other references to Rocke in the Daily Worker, including an article in which Rocke referred to himself as "Comrade," led Nash to conclude that he was "directly associated with the Communist Party." 120

Investigators also identified, interviewed and prepared witnesses whom the Committee might want to bring to Washington for public hearings. Written transcripts of the interviews were returned to Washington. "These five witnesses can produce a phase of communism in Russia and America which will be unparalleled in their disclosures," Stephen Birmingham wrote Dies from New York City. "They are well supplied with documentary proof where necessary, and have been checked to the fullest extent of our office to see that they are reliable...." The extent to which the Committee utilized such witnesses varied widely. Despite Birmingham's excited assessment of his witnesses' information, much of it related to conditions in the Soviet Union and was, therefore, worthless. 121

By contrast, in its Detroit hearings of 1938, the Committee relied heavily on the witnesses discovered and prepared by Chester Howe. Howe appeared at the Detroit hearings himself to introduce the topics on which the witnesses would testify. This testimony ranged from Communist recruitment of men to fight in the Spanish Civil War, to Communist presence within the Detroit school system, to the sit-down strikes. Two of the police officers with whom Howe closely worked, Sergeant Harry Mikuliak of the Detroit Special Investigation Squad, and Detective

121 Birmingham to Dies, August 29, 1939, NARA, RG 233, Series 8, Box 9, File: Birmingham (1939) Report.
Jacob Spolansky of the Wayne County Sheriff's Department were featured witnesses.\textsuperscript{122}

Although the investigators diligently went about their business, Matthews was unconvinced of the necessity and quality of their work. Shortly after he began his employment with the Committee, Stripling asked him for suggestions on coordinating his work with that of the investigators. So much information had already been unearthed and Matthews was unfamiliar with most of it, but he nevertheless concluded that most of the investigators' work was "sheer waste[d] motion." Primarily, Matthews was frustrated by the lack of coordination between his work and that of the investigators. He believed that the Committee should make its case against the Communist Party in three ways: by hearing from witnesses who were ex-Communists, by the "skillful cross-examination of present Communist Party leaders," and by presenting the Party's own published statements. Matthews suggested witnesses to be subpoenaed and "united front" organizations to be investigated. Unlike the exertions of many of the investigators which never resulted in witnesses being called to public hearings, the Committee heard from or investigated most of the witnesses and organizations listed by Matthews.\textsuperscript{123}

Chasing down leads and securing informers and witnesses could be grueling work, but the added fear of spies made the task all the more difficult. Security was an ongoing issue for the Committee, and although these concerns were valid, at times Committee members and staff sounded slightly paranoid. Even the job of hiring a stenographer could be fraught with peril. Investigators

\textsuperscript{122} The Detroit hearings begin with the testimony of Chester Howe at \textit{Hearings}, pp. 1239 et seq.; Howe to Stripling, August 20, 1938, NARA, RG 233, Series 1, Box 6, File: Chester Howe.

\textsuperscript{123} Mathews to Stripling, June 28, 1939, NARA, RG 233, Series 1, Box 10, File: Stripling 1939.
were instructed to complete a thorough background check of "character, reputation and connections" before employing anyone.\textsuperscript{124}

Upon their arrival in a city, investigators usually attempted to maintain a low profile, but this was not always possible. When Hurley and Steedman began their California inquiry, the San Francisco and Los Angeles press cooperated in keeping their presence in the state a secret. Nevertheless, they felt pressure from a number of sources. Hurley told Stripling that they were hampered by a lack of manpower, and under pressure from "Hollywood, Labor Unions, Shipping Industry, Political machines, etc.," not to mention "the constant necessity for beating down the ever-present prejudice against the Committee, here—has kept us going night and day." In 1941, Steedman reported that he had been followed for the past week and that his car had been stolen. Because the car had been driven less than fifteen miles and had not been stripped of its radio or Steedman's personal belongings, the police concluded that robbery was not a motive.\textsuperscript{125}

Robert Barker experienced his own problems in Philadelphia in 1939. Working out of the third floor of the Allegheny County Courthouse, his presence was no secret. The District Attorney warned Barker that two attorneys and a reporter had been making inquiries about him, and Barker noticed that he had been followed when he left his office. The investigator asked Stripling's permission to use the courthouse as a cover while securing another office out of which to work. The situation arose again in 1941, when Barker noticed Communists loitering in the lobby of his building. "I take it you do not desire your

\textsuperscript{124} Dies to Hurley and Steedman, March 9, 1939, NARA, RG 233, Series 1, Box 7, File: Hurley.

\textsuperscript{125} Hurley to Stripling, April 9, 1939, NARA, RG 233, Series 1, Box 7, File: Hurley; Hurley and Steedman to Stripling, April 14, 1939, Series 8, Box 17, File: Hurley and Steedman 1939 (Report) April 14; Steedman to Stripling, March 24, 1941, NARA, RG 233, Series 1, Box 10, File: Steedman 1941.
investigators to be made the laughingstock of Philadelphia by being trailed by Communists every time they go out to make an investigation," he wrote Dies, "or that their identities become so well known that they would not be able to obtain any information regarding Communist activities." With Dies' permission, Barker leased an office in another building which boasted several entrances, stairways and a wall safe, all the better to "out-smart the Communists at their own game." An intermediary—a local American Legionnaire—leased the office and made the rental payments on Barker's behalf.126

Even the Committee's Washington office had suffered security breaches. In April 1939, Stripling wrote to all investigators in the field that the Committee had been tipped to the fact that some individual or group had undertaken an investigation of Committee staff, including congressmen, investigators, stenographers and clerks. The Committee also believed that its offices had been broken into more than once and that an effort had been made to listen to and intercept telephone and telegraphic communications. Ordered to trust no one, investigators were to establish post office boxes, use pay phones, never leave any materials unattended in hotel rooms, and use registered mail for all important documents.127

Witnesses who cooperated with the Committee were also subjected to intimidation and violence. James Steedman reported that James Bolling, who testified about Communist influence within the UAW, had been attacked while leaving CIO headquarters in Los Angeles. He was able to save himself only after brandishing a gun. Another witness received bomb threats by telephone. Rumors had been circulating that unions were working to have witnesses

126 Barker to Stripling, March 14, 1939; Barker to Stripling March 23, 1939. NARA, RG 233, Series 1, Box 5, File: Barker; Barker to Dies, March 15, 1941. NARA, RG 233, Series 8, Box 5, File: Barker Reports March 1941.
127 Dies to Hurley, April 28, 1939, Series 1, Box 7, File: Hurley.
expelled. Meanwhile, they were organizing goon squads to threaten anyone believed to be talking to the Committee.128

Rena Vale, an informant who had given Hurley and Steedman information on Communist activities in California, claimed that as a result of her cooperation she had been labeled a Trotskyite and threatened with “liquidation.” She sent a letter to Hurley and Steedman containing the names of those who had threatened her so that in the event that she “[met] with violence or disappear[ed],” the investigators could give the police the information.129

Two of the major components of the investigators’ job were to collect documents and to interview potential witnesses. But the Dies Committee quickly ran into a problem that had also plagued the La Follette Committee’s investigators: a lack of power to subpoena. Congressional committees possessed the authority to issue subpoenas requiring a witness to appear and provide testimony, and subpoena duces tecum, requiring a witness to appear with requested documents. But the law required only that a witness appear before a committee or a duly constituted subcommittee in Washington, on a specified date. In other words, there was no legal authority requiring a witness to provide either testimony or documents to investigators. A federal court had in fact voided subpoenas and subpoenas duces tecum requiring that a witness appear and deliver documents to La Follette Committee investigators. Although Whitley and Stripling provided investigators with subpoena forms to fill out and

128 Telegram, Steedman to Stripling, June 5, 1941, NARA, RG 233, Series 1, Box 10, File: Steedman.
serve on individuals or organizations, where objections were raised, there was little that investigators could do.130

This was a fact that Whitley and Stripling did not bother to share with investigators until a problem actually surfaced. In May 1939, Hurley and Steedman served a subpoena *duces tecum* on the West Coast units of the German-American Bund, but they were still waiting for the requested documents in June. Bund leaders Hermann Schwinn and Arno Risse delayed as long as they could, even going so far as to remove and hide the requested information from the Bund’s headquarters at the *Deutsches Haus* in Los Angeles. After Hurley and Steedman explained the “seriousness of the offense that they had committed in violating a federal subpoena,” Schwinn and Risse delivered five boxes of “addressograph cards,” constituting over 1,000 names that were purported to be the mailing lists of the Bund. The Bund claimed to be unable to provide its official membership list, however, alleging that it had been destroyed prior to receipt of the subpoena.131

Although Hurley and Steedman intimidated Schwinn and Risse into relinquishing their records, they did not realize that such a threat amounted to little more than a bluff on their part. When informed of the situation, Whitley told them that in refusing to surrender their records, Schwinn and Risse were not doing anything for which they could be cited for contempt. Whitley explained the legal limitations on the subpoena power to Hurley and Steedman, but added that this should not be an issue unless the subpoena recipient challenged the document. Where an objection was raised, however, there was absolutely no legal basis on which investigators could demand compliance with the subpoena.

130 Stephen Birmingham to Stripling, July 8, 1938, NARA, RG 233, Series 1, Box 5, File: Birmingham; on subpoenas, see Title II, U.S.C.A. Section 194.
It was for this reason that Whitley advised investigators in April 1939 that they issue as few subpoenas as possible until the Committee determined where and when it would conduct its Los Angeles hearings.\footnote{Whitley to Hurley, April 14, 1939; Whitley to Hurley, May 26, 1939, Hurley and Steedman to Stripling, June 3, 1939, NARA, RG 233, Series 1, Box 7, File: Hurley.}

A subpoena \textit{duces tecum} would need to be "prepared very carefully," Whitley cautioned, where the possibility existed that a witness might legally object or "technicalities might be raised." The Committee counsel's careful reference to "technicalities" was correctly interpreted by a confused Hurley and Steedman to mean that "in reality" they were "not clothed with any authority in connection with the issuance of subpoenas other than to require the attendance of witnesses before the Committee or a Sub-committee." This was problematic given that they were preparing to subpoena a group of high ranking Communist Party officials in order to take their statements prior to the arrival of the Committee on the West Coast. Whitley suggested that "as a matter of practical application," where they believed a subpoena recipient would be hostile and possibly resort to legal action, that they serve the subpoena on the custodian of documents then "immediately take charge of the records." Still, Whitley understood that this was an imperfect solution since the records in question were often hidden or unavailable at the moment of service. Whitley, however, did not appear to be bothered by the fact that such an action would amount to an illegal seizure of the records. Other than serving a subpoena on the custodian of documents and requiring them to appear before the Committee in Washington on a specified date, legally, investigators could take no action.\footnote{Whitley to Hurley, April 14, 1939; Whitley to Hurley, May 26, 1939, Hurley and Steedman to Stripling, June 3, 1939, NARA, RG 233, Series 1, Box 7, File: Hurley; Memo, Whitley to file, July 29, 1939, NARA, RG 233, Series 1, Box 8, File: Nash.}
As Whitley indicated, very often subpoenas went unchallenged by their recipient. Bank officials, for example, were often perfectly willing to assist Committee investigators without a subpoena, but would ask for one to insulate themselves from any potential legal action. This was the case for the Pico and Figueroa Branch of the Citizen's National Trust and Savings Bank, in which the Los Angeles Bund maintained an account. Opening its records to the Committee, the bank raised no objections to the subpoena. Access to bank records was vital in that it provided Hurley and Steedman with an accurate base against which they could compare the records surrendered by the Bund. In this instance, the local Bund Secretary William Kendzia had given Hurley and Steedman Bund records under the false belief that he would be in contempt of Congress if he failed to comply.\textsuperscript{134}

In some instances, subpoena recipients did refuse to cooperate. Although the California Telephone Company failed to object when investigator Thomas Cavett issued a subpoena \textit{duces tecum} seeking the phone records of the CIO Political Action Committee and the Hollywood Democratic Committee, Western Union was less compliant when asked for telegrams sent by the same organizations. It first agreed to cooperate without a subpoena, then rethought the issue and asked for a subpoena, then finally refused to provide the information to the investigator unless the Dies Committee was in session. After several conferences with investigators, however, the company finally agreed to provide photostatic copies of the telegrams.\textsuperscript{135}

\textsuperscript{134} Whitley to Hurley, April 14, 1939; Whitley to Hurley, May 26, 1939, Hurley and Steedman to Stripling, June 3, 1939, NARA, RG 233, Series 1, Box 7, File: Hurley.
\textsuperscript{135} Barker to Stripling, May 2, 1941, NARA, RG 233, Series 8, Box 6, File: Report of Investigator Robert Barker; Thomas L. Cavett to Stripling, August 21, 1944, Cavett to Stripling, August 23, 1944, NARA, RG 233, Series 11, Box 63, File: Phone Charts and Telegrams, California.
There were a variety of reasons why individuals or organizations wanted to avoid giving information to the Committee. The Bethlehem Steel Company refused to provide records regarding the aliens it employed not because it did not want to help, but because it feared that the NLRB would assume that it released the information as a "smoke screen to cover up failure of the company to comply with the Wagner Act." Even government officials would sometimes refuse to help, as was the case in 1941, when Steedman attempted to secure a list of Army inductees from the New York head of the Selective Service in order that the Committee might identify Communists after checking the names against its files. This request was summarily refused and the investigator was told to seek the information from the War Department.136

The problem with subpoenas applied both to demands to produce documents and demands for a witness to appear and give a statement to investigators. In no instance, however, did Whitley ever suggest that investigators should refrain from issuing these faulty subpoenas. Investigators were to give way only when an objection was raised. When the Hollywood Anti-Nazi League, an organization with alleged ties to the Communist Party, refused to respond to a subpoena duces tecum, Hurley and Steedman attempted to argue with the League attorney. If Congress authorized an investigation, including the employment of investigators to amass information for the Committee's use, they reasoned, then to deny such information to the investigators would defeat the intention of Congress. The League's lawyer, Charles Katz, conceded that this was a strong argument, but refused to

136 Robert Barker to Stripling, Report of Investigation at Bethlehem Steel Co., NARA, RG 233, Series 8, Box 3, File: Barker; Bethlehem Steel Co.; Rhea Whitley to Peter J. Nolan and Thomas J. Connor, August 30, 1939, NARA, RG 233, Series 1, Box 8, File: Nolan, 1939; on selective service, see Memo (unsigned, undated), NARA, RG 233, Series 1, Box 10, File: Steedman 1941.
relinquish the records until he had heard the opinion of the Committee's attorney. But when asked, Whitley refused to issue such an opinion. He knew that in a court of law this would be a losing argument. The Committee's only choice would be to demand that the League's custodian of records come to Washington and appear before the Committee. But even this could only be accomplished in matters of extreme urgency since the Committee could not afford the travel expenses.\textsuperscript{137}

Where objections were raised, if the investigators could not bluff their way out of the matter, as Hurley and Steedman seemed particularly adept at doing, the Committee could take no action. Hurley and Steedman raised hackles in Hollywood when they issued 3,000 summonses to appear before the Dies Committee at an unspecified date when the Committee would travel to Los Angeles to hold hearings. Given that the Committee had yet to determine when it would be in California, those who received these subpoenas interpreted the action as an effort to intimidate them into resigning from the organizations in which they were active. The general reaction to these summonses was to ignore them.\textsuperscript{138}

Committee investigators tracked leads, interviewed witnesses, and continued to issue faulty subpoenas demanding the production of documents. Service of an improper subpoena, along with a spectacular show of poor judgment, led to a public relations disaster for the Committee. After its over-reliance on voluntary witnesses in its first year, in 1939 the Committee had promised to improve its procedures. Nevertheless, it continued to exercise poor

\textsuperscript{137} Hurley and Steedman to Stripling, August 28, 1939, Whitley to Hurley and Steedman, September 1, 1939, NARA, RG 233, Series 1, Box 9, File: Steedman.
judgment on very high profile issues, escalating tensions among the conservative and liberal Committee members.

During the October 1939 hearings, for example, the Committee turned its attention to the alleged Communist front group the American League for Peace and Democracy (ALPD). ALPD Chairman Harry Ward and Washington branch Chairman Harry Lamberton gave testimony. While Ward admitted the presence of Communist party members and fellow travelers in the League, it was the testimony of two former League members, Francis Henson and Inez Barr, that convinced the Committee that the organization “was organized and is controlled by the Communist Party.” The latter two witnesses had ended their association with the League because of its Communist connections.139

Following this testimony, Noah Mason attempted to enter into the public record what was purported to be an ALPD membership list containing the names of 563 federal employees. He was prevented from doing so by Jerry Voorhis. "I see no reason why we should protect [the individuals named on the list],” Mason argued. "We have been showing how the Communists run this organization for over a year, but they stay in it.” Voorhis countered that while the Committee had proved that the League was at least partially controlled by Communists, it had not shown that all of the League’s members understood that a Communist connection existed. Indeed, witness Henson had agreed when Voorhis asked him whether it was likely that the League contained "a great many people who [were] nominally members, but who have very little idea of what goes on in it,

because they seldom attend meetings and do not have much information about the activities of the League at all."\textsuperscript{140}

But the Committee members who favored releasing the list agreed with Mason. Dies maintained that if the individuals who remained in the League were "loyal American people...they will get out of the American League, and these other communistic organizations, because they have certainly had enough information about them." Warning the public about organizations that were secretly controlled by the Communist Party comprised a large part of what the Committee perceived to be its informing function. Once the Committee had placed the public on notice about the true nature of an organization, it would not excuse those who had failed to heed the warning. The Committee voted down Mason's motion to release the list, but agreed to discuss the issue further in executive session. Once in private, over the objections of Voorhis and Dempsey, it voted to release the names to the press the next day.\textsuperscript{141}

Voorhis was incensed by this action not only because a question remained whether all of the League's members understood that it was a Communist front, but for a much more serious reason—the Committee could not even agree whether the names comprised a membership list or simply a mailing list on which non-members might be included. The document in question had been obtained when Committee investigator Robert Barker presented himself at the ALPD's Washington headquarters with a subpoena \textit{duces tecum} in hand demanding a copy of the membership list. The ALPD had already agreed to provide the Committee with any information it requested, but it objected to

\textsuperscript{140} \textit{Hearings}, Testimony of Henson, pp. 6359, 6360, Testimony of Barr, p. 6401; ALPD Membership List found at \textit{Hearings}, pp. 6403, et seq.

harding the information to Barker immediately. Once the objection was raised, Rhea Whitley came to the offices to argue the point with Harry Lamberton, who was himself a lawyer. Barker had presented a standard subpoena which required the ALPD's custodian of records to appear before the Committee and bring with it a copy of its membership list. It did not demand that the organization relinquish records to a Committee investigator who came knocking at its door. Barker's attempt to seize the records immediately was the Committee's standard procedure when it feared documents might be destroyed or hidden. It was, however, improper procedure, and no one knew this better than Whitley. He nevertheless succeeded in convincing Lamberton that if he would provide the list immediately, it would not be necessary for any League members to appear before the Committee. Although he agreed, Lamberton would later take his complaints about what he correctly labeled "trespass, search and seizure without a warrant, and conduct wholly unbecoming agents of Congress" to the press, the President, and to each member of Congress via a mass mailing. In all of the confusion surrounding the subpoena, the Committee laid its hands on a mailing list and a membership list, but it was never entirely certain which was which.\textsuperscript{142}

In the end, the Committee did call ALPD members to testify, labeled the organization a Communist front, then released what was alleged to be a list of federal employees who were League members. Dempsey called the decision "most damnable" since no evidence existed that persons on the list were actually Communists. The Committee had not bothered to check a single name for independent confirmation of Communist leanings. Included among the names

\textsuperscript{142} On service of the subpoena see, \textit{Hearings}, Testimony of Robert Barker, pp. 6330 et seq.; Memo, Stephen Early to Roosevelt, October 12, 1939, Franklin Roosevelt Papers, OF 320, Box 4, File: Dies Committee 1939; Testimony of Harry Lamberton, pp. 6338 et seq.; on the issue of membership versus mailing list, see, \textit{Hearings}, Testimony of Andrew Smith, pp. 6453-6454.
were the Assistant Secretary of the Interior, and members of the Maritime Labor Relations Board, the National Labor Relations Board, and the Agricultural Adjustment Administration.\textsuperscript{143}

Reactions by the named individuals varied. Some admitted they were League members, some denied membership, and others asserted that they were unsure whether or not they were members. Still others claimed to have quit the League when Committee warnings about its Communist ties became public. Of those who admitted to membership, most claimed to have seen no evidence that the League was controlled by Communists. Although Starnes and Casey attempted to mitigate the release of the names by claiming that the Committee had not intended to identify all members of the League as Communists, this was precisely how many employers chose to interpret the list. Within the month the Committee began receiving letters from individuals who lost their jobs because their names had been included.\textsuperscript{144}

The League itself argued that the Committee was abridging its members' First Amendment right of free association. By calling on members to resign, Harry Lamberton argued, "Chairman Dies has the effrontery to ask government employees not to belong to organizations of which he personally disapproves." Officials in the League's national office in New York agreed, stating, "No American is safe so long as the Dies Committee is permitted to defy the American Bill of Rights." But making an argument for basic civil liberties was not necessarily a safe position at this time. While this controversy was raging.

\textsuperscript{144} "Many On Dies' List Vague About It All," \textit{New York Times}, October 26, 1939, p. 1; on Starnes' and Casey's attempt at mitigation, see, \textit{Hearings}, Testimony Andrew Smith, p. 6454; \textit{Congressional Record}, 76th Congress, 1st Session, October 27, 1939, pp. 1033-1035; the letters sent by individuals denying or explaining their membership in the ALPD were included in the Committee record at \textit{Hearings}, Testimony of Charles S. Cox, pp. 6455-6458. Appendix, Volume 10, pp. 6457 et seq.
Eleanor Roosevelt delivered a speech in which she criticized the Dies Committee’s suppression of freedoms. She was denounced on the floor of the House by Montana Congressman Jacob Thorkelson who charged that she “evidently approves of alien and communistic groups and feels we should not hurt them.” Earlier that day, Thorkelson had attempted to insert the ALPD list into the Congressional Record. When another member objected, he replied, “I can only assume that those who objected to it must themselves be in sympathy with subversive movements.”

Thorkelson’s efforts to place the list into the Congressional Record sparked a House debate during which Dempsey and Voorhis renewed the objections they had raised during the Dies Committee’s executive session. They argued that they did not doubt that the League was a Communist front. Their objection was based on the fact that the list contained names of individuals whom they knew were not ALPD members. Some had merely donated money to the League for the benefit of Spanish refugees and others had withdrawn their membership but their names had not yet been removed from membership rolls. Dempsey and Voorhis emphasized the fact that the Committee had not proved a single person on the list was a Communist, but by releasing the names, had tainted them all with communism. Washington’s John Coffee, a passionate defender of civil liberties, added that the “unfounded charges” and “blanket condemnation” of all members of the League were used to intimidate members into resigning. The United States, said Coffee, was not at war, therefore “[n]o emergency exists which could possibly excuse the abrogation of our traditional civil rights.” Americans had the right to join any organization they might choose and the Dies Committee had not a shred of evidence to prove that a single

member of the League had performed any illegal acts. "Persecution of whole
groups of people, based solely upon disapproval of the beliefs they hold and
express, is wholly un-American," Coffee argued. "If the aim of the Dies
Committee is to preserve this Nation from the curse of dictatorship, that aim
cannot be achieved by introducing the methods and standards of dictators
here." 146

Congressman on the opposing side of this debate repeated the argument
that ALPD members had been put on notice that it was Communist, and if they
had not yet resigned, it could be assumed that they too supported the Party. But
Voorhis objected to such guilt by association arguments. Before any names
were made public, the Committee should have been certain that the individuals
were Party members. The Committee had not done this. The danger, he
insisted, was that while publication of the list made headlines across the country,
in all likelihood, the denials would not receive the same attention. Voorhis freely
conceded that real dangers to democracy existed within the United States.
Although subversive groups on both the extreme right and the extreme left posed
dangers, another danger loomed: "the danger of the cheap political efforts on the
part of people of both moderate right and moderate left to brand their political
opponents with labels which they are not entitled to...." Of these dangers,
Voorhis thought the latter was the more serious. The issue for him was to find
and expose the organizations that were controlled by foreign agents. But
exposure was all that was called for, suppression of these groups ran counter to
democracy and was not the answer. 147

147 Congressional Record, 76th Congress, 1st Session. October 25, 1939, p.883, 885.
In December 1939, two months after the ALPD list fiasco and at a time when the Committee should have been preparing for the upcoming House debate on extending the investigation for another year, Dies and J.B. Matthews took it upon themselves to release a report alleging that the Communist Party was active in a number of consumers' groups, including the League of Women Shoppers and the Consumers' Union. The release of this report not only mobilized the Committee's liberal opponents, but reignited the always simmering tensions among Committee members. In the report, Mathews explained that as part of the Popular Front, which he described as "the first large scale attempt to involve the middle-class in the revolutionary movement," the Communist Party had infiltrated existing consumers' organizations and founded new ones. These consumer groups tested, compared and reported on various products to the public. Although the Party claimed it was interested only in "serving the interests of consumers," its real intent was to "tear...down the institutions of capitalist society and erect...in their place the institutions of proletarian dictatorship." By using consumers' organizations to publicize exaggerated or false advertising claims, the Party hoped to undermine public faith in the capitalist system.\(^{148}\)

To prove his case, Matthews drew from hearing testimony, public statements of individuals active in the consumers' movement, and his personal cache of letterheads. From the hearing testimony of CPUSA head Earl Browder, Matthews took a description of the Party's use of non-Communist organizations as "transmission belts" to secretly promulgate its message to an unsuspecting public. From the testimony of former CPUSA leader Benjamin Gitlow, Matthews took the assertion that the Party had established consumers' cooperatives in the

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past. To illustrate his contention that Communists were currently involved with several consumers' groups, Matthews showed that individuals belonging to the organizations in question had also associated with the Party. For example, Susan Jenkins, whom Matthews described as an "active organizer" in the League of Women Shoppers, had admitted under oath that she had once been employed by the *Daily Worker*. Helen Kay, the League's first secretary, had once edited the *New Pioneer*, the official publication of the Party's children's organization. Matthews went on to list several other League "directors and sponsors" who were "well-known Communist Party members." Some of the evidence Matthews marshaled against the Consumers' Union (CU) included examples of what liberals dismissed as guilt by association, but the Committee considered examples of "interlocking directorates." A.J. Isserman, for example, was a member of the CU Board of Directors and was also counsel for the International Labor Defense, the legal arm of the Communist Party. Matthews also noted that such well-known Communists as Transport Workers Union head Mike Quill and Fur Workers International Union leader Ben Gold had served on the CU labor advisory board. Matthews' report included numerous examples along these lines, all of which, he charged, amounted to proof of Communist influence in the consumers' movement.149

A stream of denunciations quickly issued from the organizations and individuals named in the report. Most noted that the Committee had never contacted them about the charges, nor offered them a chance to respond or testify at a hearing. Moreover, this report was based on a "subcommittee" hearing consisting of Dies, sitting alone, with Matthews as the sole witness. Nor

149 Press Release, Sub-Committee of the Special Committee on Un-American Activities, Testimony of J.B. Mathews, December 11, 1939, NARA, RG 233, Series 20, Box 1, File: December 3, 1939-Press Release.
did the report disclose the fact that the Consumers' Union, which bore the brunt of Matthews' attack, was the rival organization founded by Arthur Kallett following the contentious strike at Consumers Research (CR), of which Matthews had been vice president. Consumers Research, which currently employed Mrs. J.B. Mathews, escaped attack.¹⁵⁰

The Matthews report mobilized liberal action against the Committee. Gardner Jackson, formerly of the Agricultural Adjustment Administration and an activist in many liberal causes, had been working for the abolition of the Dies Committee since its inception. As an attorney for Labor's Non-Partisan League, Jackson had helped prepare and publicize the report accusing Committee investigator Edward Sullivan of anti-Semitic behavior; in an "oblique attack" on Dies, he lobbied on behalf of a merger of the Dies and La Follette committees; and he wrote Voorhis encouraging him to pursue a "forthright and vigorous insistence upon [Voorhis'] own standards as a member of that committee." Jackson used this latest incident to further his cause. He undertook a letter writing campaign to call attention to an article that had appeared in an advertising newsletter called *Space and Time*. The article alleged, and Jackson claimed to have received independent confirmation, that prior to the release of the consumers movement report, Matthews had attended a meeting at George Sokolsky's home along with fifteen or twenty advertising and manufacturing executives. The purpose of the meeting was "to consider the Matthews report and perfect its composition." Jackson believed that the report was actually the

brainchild of Hearst Publishing, which was then battling the Federal Trade Commission on charges of false advertising in Good Housekeeping. Hearst, along with the advertising and manufacturing interests at the meeting, assisted in drafting the Mathews Report in an effort to undermine the work of consumers' groups and weaken the Federal Trade Commission. Believing the collusion between Mathews and these business interests was enough to discredit and justify shutting down the Dies investigation, Jackson attempted to organize the accused consumers' groups and lobbied Eleanor Roosevelt, Voorhis and members of the FTC to demand an investigation into the matter.\footnote{On Sullivan, see Gardner Jackson Papers, Box 19, File: Dies, Martin; on joint committee see J. Raymond Walsh to Jackson, January 19, 1939, Gardner Jackson Papers, Box 43, File: La Follette Committee; on Voorhis, see Jackson to Voorhis, February 14, 1939, Gardner Jackson Papers, Box 74; File: Jerry Voorhis; on Mathews Report, see Jackson to Eleanor Roosevelt, December 18, 1939; Jackson to Edwin L. Davis, December 19, 1939; Jackson to Willis Ballinger, December 19, 1939; Jackson to Kemper Simpson, December 19, 1939, Gardner Jackson Papers, Box 20, File: Dies Committee; Harold Levine to J.B. Mathews, December 18, 1939, NARA, RG 233, Series 11, Box 81, File: Consumers' Report.}

Voorhis became convinced that there was substance to Jackson's charges. Dies' decision to hold a hearing and release a report had been undertaken unilaterally—no other Committee members had been consulted. While Dempsey commented only that this was "an unusual proceeding," Voorhis was livid. He immediately released a statement to the press criticizing the procedures utilized to gather the information, and dismissed the report as "purely and simply the opinion of Mr. J.B. Matthews." The report was of dubious value. Voorhis argued, given that no witnesses had testified on the subject, the full Committee had not been involved in the investigation, and although Matthews had once been employed by a consumer group, that group had not been mentioned in the report. Matthews, he concluded, "sits as sole investigator, judge, and juror on the whole consumers' protective and co-operative movement
in America. If anything is undemocratic in the world certainly this procedure is." Voorhis also wrote Dies to complain that the Mathews report made it appear that the Committee allowed itself to be used "for ulterior purposes by powerful interests." Although he called for hearings into the matter, none were ever held.152

Writing in his memoirs, Voorhis later wondered why Matthews chose to handle this matter in such a fashion, especially since Voorhis believed that there might have been merit to claims of Communist influence in the consumers’ movement. But Matthews’ actions served only to undermine his own credibility and unfortunately, as far as Voorhis was concerned, undermined the credibility of the entire Committee as well. "I never could forget this incident," he later recalled, "And I never felt any assurance as to 'what might happen next,' after that."153

After Voorhis made public his complaints, Dies wrote his colleague to explain that he “thought it was fully understood” that Mathews was preparing a report on consumers’ organizations. He insisted that he had told Voorhis about the report in a meeting which Mathews had also attended. Dies next defended taking Mathews’ testimony as a subcommittee of one, reminding Voorhis that the Committee often did this when the other members were busy. Without single-person subcommittees, Dies said, sixty per cent of the time there would not be enough Committee members present to call a quorum. This argument did little to placate Voorhis, who responded that there was a difference between sitting as a subcommittee to take evidence and hold hearings and releasing a public report.

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Voorhis also denied having known about the report in advance. In the months prior to its release, Voorhis said, he had often been asked whether the Committee had plans to investigate consumers’ organizations. His stock response had been that he did not know, but he was certain that because of his past associations, Mathews would not participate in any such inquiry.\textsuperscript{154}

Releasing the report was irresponsible in regard to the slandered groups and to the Committee’s future. The Committee was one month away from making its annual plea to Congress in which it attempted to justify its continued existence. The public perception of the Committee, Arthur Krock noted in \textit{New York Times}, was that it often fell victim to “unwise, arbitrary and sometimes unfair methods.” Reflecting the concerns over procedural lapses, shortly after the Matthews incident a group of sixty-two scientists, writers, and academics, including authors Theodore Dreiser and Dashiell Hammett, released a statement criticizing the Dies investigation for “suppressing dissident groups” and denying them the “full freedom guaranteed by the Bill of Rights.” Nevertheless, overall support for the investigation remained high nationwide. A Gallup poll taken just after the heavily criticized release of the ALPD membership list showed only a four per cent dip in support for the investigation. Regardless of the Committee’s occasional excesses, the public chose to recall its successes, including the attention given to the secret machinations of Communists in infiltrating and taking control of a variety of outwardly non-Communist organizations.\textsuperscript{155}

That its message about the dangers of subversive control of public organizations was being heard and appreciated by the public pleased the

\textsuperscript{154} Dies to Voorhis, January 11, 1940; Voorhis to Dies, January 29, 1940, NARA, RG 233, Series 1, Box 4, File: Voorhis.
Committee, which considered informing the public of such dangers to be one of its primary goals. Committee investigators assiduously went about their tasks of gathering information, developing leads and locating witnesses. But as long as the Committee continued to perform as it did in releasing the alleged ALPD membership list or Mathews' report on the consumers' movement, it would never convince moderates and liberals that it was engaged in anything other than an attack on liberal organizations.
Chapter Three:
The Dies Committee Takes on the New Deal

Marxists of every hue from deepest red to palest pink gathered along the Potomac early in the New Deal, and soon began to flourish. Communists, Socialists, Technocrats, Townsendites, Liberals—of all shades from sincere idealists to rabid crack-pots—united in support of Marxist strategy. There developed a concerted campaign of undermining and sabotaging our American political and economic system.

Martin Dies, 1963¹

Two days before the Committee’s first public hearing in August 1938, Chairman Dies championed moderation, assuring a radio audience that "[w]e will not permit this committee to become a three-ring circus." Nor would the Committee, he continued, "be drawn into partisan politics or labor disputes."

Reiterating these guarantees on the opening day of hearings, Dies announced:

This committee is determined to conduct its investigation upon a dignified plane and to adopt and maintain throughout the course of the hearings a judicial attitude. The committee has no preconceived views of what the truth is respecting the subject matter of this inquiry. Its sole purpose is to discover the truth and to report it as it is.

Despite his assurances, from the Committee’s inception the Roosevelt Administration and some members of the press believed it to be comprised of anti-New Dealers seeking to embarrass the President and undermine New Deal reforms. "Having little sympathy with the administration's fundamental political and social philosophy, or with its specific policies, or with its personnel," wrote

the Christian Century. "[Dies] tends to classify as un-American all the things he does not like." These fears appeared to be confirmed as the Committee immediately set out to link Communists to New Deal agencies, the President's political allies, and to his supporters in organized labor. Dies' crusade against Roosevelt went so far as to attempt to influence the midterm elections of 1938. In its attempt to make a case against the New Deal, the Committee displayed its worst tendencies. It heard testimony from biased witnesses and was slow to allow those accused of Communist activity a chance to respond. It inconsistently applied procedural and evidentiary rules. In subsequent years the Committee tempered its partisanship and improved its procedure, but the damage to its reputation was permanent. The Committee was never able to wash away the stain of the 1938 hearings.2

Dies denied that he targeted the New Deal and claimed that, in fact, the President sought to subvert his investigation. The Committee's difficulty in securing clerical and investigative help heightened his suspicion that he was being persecuted by the Roosevelt Administration. In his memoirs, Dies later claimed to be puzzled by this maltreatment since in 1938 he still classified himself as a Roosevelt supporter and because he believed that the President had initially favored his investigation. Based on these two perceptions, Dies

2"Dies inquiry gets income tax books," New York Times, August 10, 1938, p. 6; Hearings Before a Special Committee on Un-American Activities. House of Representatives, Vol. 1, August 12, 1938, p. 2 (hereafter, Hearings. Testimony of __, p. __). "Wants a million dollars to investigate Administration," Christian Century, November 23, 1938, p. 1422. Claims that the Committee was leading a crusade against the Roosevelt Administration were commonplace. "The real motive, of course, behind these belated ‘disclosures [of Communist presence in left organizations] was far more ambitious than mere red-baiting," noted the Nation, "for the next step was to connect New Deal officials—and the New Deal—with some of the same organizations." Nation, August 27, 1938, p. 194; "It was not thought Mr. Dies could harm strong New Deal agencies or CIO unions," the New Republic commented. "But it was understood his committee plans a mud attack on the WPA arts program, and the arts program has few powerful friends in Congress." New Republic, August 31, 1938, p. 102.
described the Administration’s reception of his Committee as something less than he had "rightfully expected." But Dies’ notion that in 1938 he was still a Roosevelt booster is countered by the evidence. The truth was closer to the contemporary consensus, stated by the New Republic, that the Committee hoped "to raise the biggest holler that it [could and] to smear the President and his advisors."³

It was true that Dies, though a conservative by nature, had been an early Roosevelt backer. The platform on which Roosevelt was elected, Dies later recalled, sought reductions in government expenditures, sound currency and a hands-off approach in "all fields of private enterprise excepting public work." The Roosevelt that Dies campaigned for in ten states in 1932 believed in states’ rights and opposed a highly centralized government. Although after his election in 1932 it soon became apparent that President Roosevelt did not hold the same positions as candidate Roosevelt, Dies nevertheless admired the way that the former heartened the country in his first inaugural speech. In 1936, Dies warmly observed how the President’s "cheerfulness and optimism....melted the icy fear that had paralyzed the hearts of a stricken people." Two decades later Dies still lauded the speech, noting that it "did more to reassure and encourage the Nation than any speech that had ever been delivered by a President."⁴

His initial faith in Roosevelt carried Dies along for a time, even as the New Deal moved in what was clearly a markedly more liberal direction. In a 1936 House speech supporting Roosevelt’s re-election bid, Dies acknowledged the increasing liberalism of the New Deal, but justified his support on the grounds that desperate circumstances required decisive actions. The conservative party

³ Dies, Martin Dies Story, pp. 61, 59; New Republic, August 31, 1938, p. 90.
⁴ Dies, Martin Dies Story, pp. 137-138; Congressional Record, 74th Congress, 2d Session, April 29, 1936, pp. 6356-6357.
platform on which Roosevelt had originally campaigned worked for a time, but the crisis had deepened. Action was essential to assure that "the hungry be fed and the naked clothed and that Government jobs be created for as many as possible." To the critics claiming these actions violated state rights, Dies replied, "we believe in state rights, but we are against state wrongs." But while Dies argued that these actions were required to quell the emergency, there was a limit beyond which he would not follow the President. "While the patient is suffering it is justifiable to administer morphine," he said, "but it is the duty of the doctor to cease the dope as soon as possible."5

For his part, the President avoided discussing Dies and his Committee publicly. Investigations into subversive activities had come and gone. Dies had promised that this one, too, would terminate with the end of the congressional session, in roughly seven months. By avoiding open clashes, Roosevelt hoped the Committee would simply fade away. Moreover, the investigation had proved to be popular with the public. After the Committee spent its first several months attacking New Deal agencies and organized labor, a December 1938 Gallup Poll showed support for it in the seventieth percentile for all socio-economic groups, including an approval rating of 68% for all Democrats. The President was walking a fine line between protecting the New Deal and maintaining his commitment to organized labor, while dodging direct confrontations with the Committee. If Dies suspected that Roosevelt's true feelings toward his investigation could be discerned from his failure to go to bat for him on the assignment of investigators and attorneys from the executive departments, his suspicions had some basis in reality. For as William Leuchtenburg concluded, "because he had heard the cry "Red" raised falsely so often, because he

5Congressional Record, 74th Congress, 2d Session, April 29, 1936, pp. 6356-6357.
sometimes thought radicals were moving in the same direction he was, and because he had an old-fashioned distaste for public probing into private affairs, Roosevelt had no love for the Dies Committee. Roosevelt, however, would publicly attack Dies just two times. The first came when he defended Michigan Governor Frank Murphy whom the Committee attacked over the sit-down strikes of 1936-37, and the second after Dies released the membership list of the Washington branch of the American League for Peace and Democracy.⁶

Perhaps the President had hoped that his lack of cooperation would dissuade the Committee from targeting the New Deal or cause it to fade into obscurity. If so, it was soon obvious that the strategy had failed. In July, a little over a month before the opening hearings were to begin, J. Parnell Thomas announced that the Dies Committee would be conducting a "sweeping investigation" into the WPA-administered Federal Theatre Project (FTP). Among the WPA programs, Federal Project No. 1 was designed to create work for unemployed actors, writers, artists, and musicians, a jurisdiction which included the FTP. The FTP produced plays with socially conscious themes, but also works by Shakespeare, Oscar Wilde, and Eugene O'Neill. After conducting his own informal investigation into the Federal Theatre, Thomas had concluded that it was "seemingly...infested with radicals from top to bottom.”⁷

⁷"Theatre Project Faces Inquiry," New York Times, July 27, 1938, p. 19. The Federal Theatre produced fourteen of Shakespeare's plays, as well as plays by Aristophanes, Moliere, Ibsen, Chekhov, Oscar Wilde, Tolstoy, Thornton Wilder, and Robert Sherwood, to give but a partial list. It also produced cycles of the works of George Bernard Shaw and Eugene O'Neill. Hallie Flanagan estimated that political plays accounted for less than ten per cent of the Federal Theatre's total projects. Flanagan based the figure on the number of plays criticized before various congressional committees, including the Dies Committee. Excluding radio productions, the FTP produced 1,200 performances for the stage. Of these, 830 were plays. Witnesses before congressional committees
The FTP considered itself a "people's theatre" and sought as its audience workers, farmers, children, African-Americans and foreign language speakers—groups that had not previously had exposure to the arts. In the few years of its existence, the Theatre brought over one thousand productions to thirty million people in schools and communities in twenty-two states. Although the FTP's National Director, Hallie Flanagan, estimated that political plays accounted for less than 10% of its productions, because it allegedly employed Communists with the goal of producing "important" works containing political messages, from its inception the Federal Theatre incurred congressional rancor. Thomas' declaration that "this project is now completely dominated by Communists" was exaggerated, but was not without substance. Apparently unaware that "New Deal propaganda" was not an authorized area of inquiry for the Committee, Thomas revealed his own underlying political motivation when he explained that the Federal Theatre would be investigated because "not only is it serving as a branch of the communistic organization but also is one more link in the...New Deal propaganda machine."  

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In August 1938, the Committee called the first witnesses to testify about subversive and un-American activities within the Federal Theatre. All of the witnesses were or had been employees of the New York Project, the biggest in the nation. Almost half of the FTP's funds went to this group. The New York Project was divided into five major units and several lesser ones. These included the Popular Price Theatre under the leadership of Edward Goodman, the Experimental Theatre under Virgil Geddes, and the Negro Theatre under John Houseman. The New York Project, FTP Director Flanagan later recalled, "presented the widest range of productions, talents, attitudes, races, religious and political faiths. It was everything in excess. In short, it reflected its city." The New York Theatre had also experienced wrenching labor disputes. The Committee's witnesses reflected these conflicts.9

Hazel Huffman, representing the FTP's Committee of Relief Status Professional Theatrical Employees, was the first witness. Setting the stage for the next eight witnesses, Huffman asserted that communism had not only found an environment where it could flourish, but had in fact come to dominate the FTP.10 Agitation by the Worker's Alliance was a prime factor empowering these

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9 Goldstein, The Political Stage, pp. 256-257; Flanagan, Arena, p.51.
10 Not all of the witnesses called to testify regarding the Federal Theatre Project had information that supported Huffman. The Committee summarily dismissed two of these witnesses. The first, William H. Humphrey had very little of substance to say other than that he considered the play Triple A Plowed Under to be subversive. Committee members continually reminded him that they were not interested in his political views, before finally dismissing him. Curiously, during this testimony Parnell Thomas remarked, "I think we ought to look into this witness very carefully before we put him on the stand." Since Humphrey's testimony was included in the published hearings, one wonders just what activity Congressman Thomas thought the witness was engaged in when he made this statement. A second witness, Sallie Saunders, appeared before the Committee apparently to complain that an African-American man on the Federal Theatre Project had made a sketch of her. "All I knew," said the witness, "was that a Negro had sketched me." After trying unsuccessfully to warn Saunders that they needed to be "very cautious about race feeling," the Committee dismissed her. I mention these episodes as evidence of the lack of preparation prior to hearing from some of these witnesses. At this point the Committee was issuing subpoenas and receiving requests
Communists. In 1936, she explained, WPA Administrator Harry Hopkins and Deputy Administrator Aubrey Williams considered proposals to allow Federal Theatre workers a greater say in the operation of the project through unionization. Although thirteen unions, most of them CIO affiliates, vied for the position, Williams publicly supported the Worker's Alliance, a group closely associated with the Communist Party. The Worker's Alliance came to wield so much power at the Project, Huffman alleged, that it eventually controlled worker assignments.11

Because the Federal Theatre's administrators and supervisors were either Communists or sympathetic to communism, Huffman continued, it permitted the Worker's Alliance to dominate the Project. This friendly climate filtered down from the very top. FTP National Director Flanagan. Huffman did not claim that Flanagan was a Communist, but she believed the Director was at least sympathetic toward it. As proof, Huffman cited Flanagan's trip to the Soviet Union in 1926-1927; her book on theatre, of which half was devoted to the Russian stage; and her participation at a meeting sponsored by the New Masses and various John Reed Clubs to help create workers' theatres throughout the country. Flanagan had also adapted a play, Can You Hear Their Voices?, from an article that originally appeared in the New Masses. Huffman read excerpts from the play, as well as a favorable New Masses review, to prove its Communist content.12

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11Hearings. Testimony of Hazel Huffman, pp. 775-777.
12The play takes place during a drought that leads to widespread starvation. The Red Cross established a relief station, but some individuals were denied assistance. The play ends with a Communists leading a storming of the relief station to take the needed food. The leader of this mob then sends his sons off to the city to join the Communist Party. Hearings, Testimony of Hazel Huffman, pp. 778-779.
Another indication of Flanagan's leanings was her appointment of Elmer Rice, "a well-known leftist," as Regional Director of the New York City Theatre Project. Rice, said Huffman, had written a "lengthy article on workers' theatre in which the workers were able to express their woes and so forth." Her statement revealed a problem that would characterize much of the early testimony elicited by the Committee and would become a frequent source of criticism. Too often the Committee and its witnesses blurred the distinction between "subversive" or "un-American" activities such as advocating the violent overthrow of the government, with activities which were merely progressive or liberal. Where Flanagan spoke of the "social significance" of plays, Huffman saw only communistic intent. Indeed, many FTP productions expressed left-wing views that might be considered subversive. Huffman described Machine Age as a "satire on mass production" in which a Communist organizer proves triumphant in winning working class support. Class of '29 ended with the cast marching around the stage singing the "red' marching song." But other plays Huffman cited merely supported liberal causes or criticized the government. Tailor Becomes a Shopkeeper and Injunction Granted were, testified Huffman, "pro-union propaganda." The "so-called legalized torture of chain gangs" was the subject of Hymn to the Rising Sun. Other areas of government subjected to Huffman's critique included the Health Department's method of grading milk and the judicial and banking systems. Huffman also viewed unfavorably productions that praised New Deal programs, included Negro protest songs, and addressed racial discrimination.13

13 The plays described are Milk, American Holiday, Up She Goes, How Long Brethren, and Case of Philip Lawrence. Hearings, Testimony of Hazel Huffman, pp. 784-790. Hallie Flanagan described Machine Age as a "vaudeville review...on the not too subtle theme of mass production of hill-billy orchestras." Flanagan, Arena, p. 200.
The question, what was subversive and what merely liberal, was at the heart of Huffman's criticism of Flanagan's statements regarding the purpose of the Federal Theatre Project. Congress authorized the FTP "to provide relief and work relief to those in actual need, a portion of which is to be used for professional projects." Although the FTP was designed primarily to provide work for unemployed theatre professionals, Huffman, quoting Flanagan's speeches and articles, contended that projects were chosen not on the basis of how much work they would provide, but whether they "would bring glory" to the Federal Theatre. In a letter read by Huffman, Flanagan stated that supervisors were to employ actors, directors and technical personnel on the basis of what was good for the Theatre rather than an individual's relief status.\footnote{Hearings, Testimony of Hazel Huffman, pp. 781-784; Goldstein, The Political Stage, pp. 246-247.}

But Huffman's anger was misguided. The WPA policy mandated that between 90% and 95% of the FTP's non-supervisory workers come from relief rolls. This would enable the Project to hire well-known actors, even ones who worked steadily and did not qualify for relief, to attract audiences. It did this, for example, when Will Geer was cast in the 1937 production of Unto Such Glory. If the Theatre chose to cast a "star," it was free to do so. The project, which employed an average of 10,000 workers per year, always contained a fairly large number of non-relief personnel. Although hiring these workers was legal, their presence emerged as a major complaint of Committee witnesses.\footnote{Id.}

Huffman's testimony highlighted two separate issues. The first was the proper administration of the Federal Theatre. Because Roosevelt was loath to grant straight relief since he believed it "sapped the vitality of the people," the Works Progress Administration had been designed to administer small, local
projects that employed as many individuals on relief as possible. Criticism that Flanagan did not employ people on relief was valid. Still, as the Dies Committee acknowledged, the un-American hearings were not the appropriate venue for an airing of such problems. Before Huffman began her testimony, Starnes warned her that the Committee was not interested in information other than “what is un-American or subversive in character.” Nevertheless, she frequently touched on administrative matters, prompting reminders from her inquisitors that their job was not to uncover any “mismanagement, inefficiency, or alleged mismanagement on the part of the WPA.” FTP maladministration would soon be the topic of a separate set of congressional hearings.15

The second issue had to do with the content of the Project’s productions. Given the Committee’s mandate to investigate un-American propaganda, it was appropriate for Huffman to raise questions. Her complaints about the social content of the plays, however, exhibited a fundamental misunderstanding of what Flanagan, with the approval of Harry Hopkins, had hoped to accomplish. The purpose of the Federal Theatre was to provide jobs for unemployed theatre people rather than merely handing them a check. While no one would complain if the Theatre made a profit, that was not the point. When he offered her the job, Hopkins had asked Flanagan not whether she could make money, but whether she could spend it. Moreover, as in New York, theatres that were struggling for survival during the Depression did not want to compete with the FTP for audiences. As a result, Flanagan entered an agreement with the League of New York Theatres in which the FTP agreed to produce shows outside the Broadway

16Goldstein, The Political Stage, pp. 241-243: Hearings, Testimony of Hazel Huffman, pp. 775, 797-798. When Seymour Rezvin testified about maladministration he, too, was reminded that the Committee was only interested in subversive activities. At the end of his testimony, however, Parnell Thomas asked whether he would be willing to testify before a separate committee that was created for the express purpose of investigating maladministration in the FTP. Testimony of Seymour Rezvin, pp. 852, 857.
theatre district. These considerations freed the FTP to pursue less commercial productions. This meant that not only could the Federal Theatre tackle socially relevant plays, but it could also, as Flanagan later wrote, "set up companies for children's plays, religious plays, classical plays, and many other activities for which there was no more possibility of a financial return than there is in the case of a public school or public library." The plays aroused controversy, but Hopkins could have hardly expected anything less after appointing the former Director of the Vassar College Experimental Theatre as Project director. Classmates at Grinnell College, Hopkins and Flanagan had known each other for many years when he offered her the job. As Hopkins told her, "I know something about the plays you've been doing for ten years..." At Vassar and as a Guggenheim fellow, Flanagan had traveled the world studying the stage, and she had been an active participant in the broad movement of the 1930's that was experimenting with agitprop theatre. Flanagan believed that the production of socially relevant plays was part of the Theatre's mandate. Huffman may not have approved, but Flanagan was not out of line in pursuing this goal.17

17 Jane De Hart Mathews. The Federal Theatre, 1935-1939 (Princeton: Princeton University Press, 1967), pp. 8-10; Hallie Flanagan, Arena, pp. 20, 35; Goldstein, The Political Stage, pp. 244, 248. Flanagan did not believe the Federal Theatre should be limited to plays of social relevance. "The trapeze performer hanging by her heels in the circus, the toe dancer describing an airy arc, the vaudevillian whose inspired ineptitudes console us for our own—all these are necessary in the many-colored pattern of the Federal Theatre," she said. "It need not always be Lenin's blood streaming from the firmament." Flanagan quoted in Goldstein, The Political Stage, pp. 251-252. The 1930s were an exciting period in American theatre history. Hundreds of workers' theatre troupes producing plays by and for the working class mushroomed throughout the country. Prior to the Depression, such theatres sought to bring the classics, produced in a conventional manner, to the working class. After 1930, these plays were set aside in favor of short skits with political themes. Not only did these plays attempt to forge a class consciousness and educate workers about their economic and political interests, but they also proposed specific solutions and urged workers to act on these solutions. The agitprop idea originated in 1923 in the Russian theatres that Hallie Flanagan admired so much during her travels as a Guggenheim fellow. From Russia, agitprop spread first to Germany then to other European countries, especially those with strong Communist parties. Agitprop theatre was first produced in the United States by a
As Huffman presented the remainder of her charges against the Theatre Project, her testimony was often circuitous and confusing, her statements lacked context and chronology, sometimes leaving false impressions. The congressmen frequently interrupted her narrative to ask questions about specific points that interested them, but distracted her from her story. Huffman's testimony was reinforced by succeeding witnesses who outlined the following basic set of facts. All witnesses agreed that the Communist presence at the Project was strong. Project members held Communist meetings in their homes, and Worker's Alliance flyers and pamphlets were written and distributed during work hours on federal property. Meetings of the City Projects Council (CPC), the Alliance's white collar division, particularly in anticipation of a planned march on Washington, were also held on Project time and on federal property. Most of the witnesses reported viewing subversive or un-American propaganda on Theatre bulletin boards. In fact, the Project had created two sets of bulletin boards, one for official Project information and one for other material, usually related to union

German theatre troupe called the Prolet-Buehne or Worker's Stage. All members of the Prolet-Buehne were Communist Party members. It is generally believed that the theatre company adopted the agitprop form from the Russian and German example as part of a response to Comintern's then strategy of emphasizing class conflict and the inevitability of revolution. Communists were also involved in the agitprop plays of another New York company, the Workers' Laboratory Theatre (WLT).

The workers' theatre movement peaked in 1934. One reason for its disintegration was the founding of the FTP. Flanagan hired Prolet-Buehne director John Bonn to lead the Project's German section. The Living Newspaper section of the FTP employed five former members of the Workers' Laboratory Theatre, which included a group of twelve to eighteen members known as the Shock Troupe. A mobile company performing excerpts from full-length and short plays in union halls and other non-theatre venues, the Shock Troupe was absorbed en masse into the FTP's One-Act Experimental Theatre for a short time before the section was dissolved. All of the Shock Troupe members were eventually assigned to other FTP sections. The WLT ceased to exist in 1936, but many of its members joined the Federal Theatre. Drawn by the FTP salaries, the ranks of workers theatre were decimated as actors and directors left the non-paying companies. Daniel Friedman, "A Brief Description of the Workers' Theatre Movement of the Thirties," Douglas McDermott, "The Workers' Laboratory Theatre: Archetype and Example," in Theatre for Working-Class Audiences in the United States, 1830-1980, pp. 111-117, 121-125.
activities. Huffman offered the Committee literature she and Seymour Revzin collected that had been distributed or placed on the bulletin boards. This included copies of the Daily Worker and another Communist publication, the Red Spotlight. Revzin, however, also complained about the presence on the bulletin board of the Worker's Alliance paper the Social Welfare. In it the Alliance claimed to have successfully worked for the reinstatement of all Worker's Alliance members who had been dismissed from the program. Since the bulletin board was to be used for the purpose of posting union information, this could hardly have been seen as un-American—unless, of course, he viewed it as part of a larger plot on the part of the Worker's Alliance to seize control of the Federal Theatre on behalf of the Communist Party. Which was exactly the point the witnesses were attempting to make. 18

The issue at the heart of this testimony was a labor jurisdictional dispute. One hard and fast rule governing the Federal Theatre was that all actors and technical personnel must be professionals. Most of these professionals belonged to theatre unions, the best known of which was Actor's Equity. Those who performed only in summer stock were generally not union members. Some groups, including dancers and Jewish and African American actors, did not have unions to join. During the life of the Project, Flanagan was forced to do business with fifteen unions, which greatly added to the complication of producing a play. "[I]t meant," wrote Flanagan, "co-operating with a network of union groups and associations, each governed by a complicated set of regulations, each dictating terms to its own members." Into this mix stepped the Worker's Alliance. Seeking to organize WPA workers generally, the Alliance reached out to non-union

18Hearings, Testimony of Hazel Huffman, pp. 809, 796, 813, 822-825; Testimony of Garland Kerr, pp. 847-848; Testimony of Charles Walton, pp. 842-844; Testimony of Francis Verdi, p. 838; Testimony of Seymour Revzin, p. 855
members including dancers, Jews, African-Americans, and maintenance workers. Their white collar division, the CPC, organized the Project's clerical staff.19

The trajectory traced by Huffman and company was one in which the Worker's Alliance, representing non-professionals, seized control of the FTP from the professionals of older, established unions. Part of the problem, as Huffman had observed, was that Hallie Flanagan was sympathetic toward communism. To worsen matters, the Project supervisors possessed little, if any, theatre experience. Supervisors included a newspaper editor, a rug salesman, an insurance salesman and a delicatessen clerk. Huffman offered no explanation about why she believed these people were hired. Presumably this was Flanagan's doing, and Huffman did state that they were all Communist sympathizers. Although Huffman may have felt these supervisors should have been acting professionals, no supervisory personnel faced such a requirement. The supervisors, Huffman continued, formed a Supervisor's Council through which they worked closely with the Worker's Alliance and the CPC. Supervisors made individual assignments of actors and technical personnel to various productions. Actors had to audition for parts, but they would be sent on auditions only at the recommendation of the supervisor. As the witnesses described it, despite the mandate that all FTP actors be of professional standing, these supervisors hired an excessive number of non-professionals in violation of the law. Such non-professionals included actors, actresses, stage managers, costume designers and a variety of other technicians.20

19 Hallie Flanagan, Arena, p. 36
At this point, Dies interrupted Huffman to remind her that the Committee was not interested in inefficiency on the part of the WPA, only its ties to communism. But there was a connection between inefficiency and communism, as other witnesses made clear, which was that the Alliance and the CPC had colluded with supervisors to hire people with little to no theatre experience or skills. The amateurs and unskilled workers joined the Alliance and CPC rather than older unions such as Actor’s Equity. The supervisors, in turn, assigned these amateurs to Federal Theatre productions. The point of keeping amateurs on the Project, Huffman maintained, was agitation. Actor’s Equity refused to allow its members to participate in picketing and strikes, but Worker’s Alliance members incited frequent labor strife.  

According to several witnesses, among supervisors’ tricks to pressure FTP actors, stage managers or costume designers into joining the Worker’s Alliance or the CPC, the most effective was simply to fail to send these actors to auditions or to assign them to shows. Another method was to send an actor to audition for a part for which he or she was unsuited. They might send a middle-aged actress, for example, to try for the role of an ingenue. One witness testified that during his work in the Sing for Your Supper company, cast members who were not in the CPC were constantly subjected to reassignment. Others who refused to join the Alliance were simply fired. Charles Walton testified that members of the CPC were shown favoritism by the casting office. Walton and other witnesses asserted that they had been solicited to join the CPC, and told they would not get far in the FTP unless they did. Walton also testified that a

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supervisor claimed an inability to do anything about the Worker's Alliance or the CPC because his hands were tied by Washington.22

Witness Garland Kerr provided an example of how all the elements described by the witnesses came together. An assistant FTP supervisor, Kerr had reviewed many of the records of its employees. What he discovered was that many of those who were hired on the New York Project had previously worked as acting coaches. These people were non-professionals and therefore not eligible for employment. To maintain their positions, they met regularly to contrive means of keeping the officials in New York and Washington from realizing this fact and dismissing them. Therefore they met on Project time under the auspices of the CPC, and conspired to "keep people in a constant uproar and chaos to keep their jobs." By distracting the Project's administrators with labor disputes, they kept their own jobs safe. Kerr claimed that he knew that many in this group were Communists because he had seen their Party cards. As further evidence of Communist influence, Kerr recalled how Albert Saxe, the director of the one-act experimental unit, whom he asserted without proof was a Communist, allowed the Project workers to participate in a May Day parade on Project time, bearing signs with Communist slogans. Kerr also reported seeing communist propaganda on the bulletin boards, although the items he specifically mentioned were little more than CPC or Alliance calls for concerted efforts on legislative matters.23

Further to support her contention that the Project contained too many non-professionals, Huffman explained that in 1936, the WPA conducted a review of the number of non-professionals in the organization. The investigation began in

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22Hearings, Testimony of Hazel Huffman, pp. 797-799, 809, 800, 805; Testimony of Charles Walton, pp. 841, 843; Testimony of Garland Kerr, pp. 849-850; Testimony of Seymour Revzin, pp. 856.
September, and in December, 2,000 FTP employees were instructed to appear before a review board to describe their professional experience. A subsequent report in January 1937 concluded that 27% of FTP employees in the "acting classification" were amateurs. But Flanagan, claiming the report was inaccurate, buried it and refused to act on it. Later in her testimony, Huffman stated that in fact the federal regulation on the percentage of non-professional workers allowed in the Project had been raised from 5% to 10%, and that Actor's Equity had tried to raise the number to 25%. This seems like an odd statement for Huffman to make since barring non-professionals from the FTP was in the best interest of Actor's Equity because the non-professionals were flocking to the Worker's Alliance. But Huffman insisted that this change in Actor's Equity, along with a new willingness to participate in strikes, was evidence that "communistic control" was creeping into that union as well.24

Francis Verdi, an actor and playwright employed by the Project since its founding, also testified regarding the presence of non-professionals. Flanagan had asked Verdi to investigate a July 1937 reduction of 30% of the FTP personnel. One hundred seventy-five members of Actor's Equity were included among the discharged workers. Verdi said that the Actor's Equity professionals were dropped while non-professionals were kept in the program. While the union attempted to find a way to get its members reinstated, Verdi was assigned as liaison between the union and the FTP. He received full access to FTP files and was instructed, with the approval of Flanagan, to survey the backgrounds of past and present employees. After Verdi was told without explanation to discontinue his survey, he concluded that it was because of the fear that he would discover that a great many amateurs were kept on the Project simply because they were

24Hearings, Testimony of Hazel Huffman, pp. 804-807.
members of the Worker's Alliance. Verdi described the FTP as a place where professional actors were afraid to work and were forced to join the Worker's Alliance as the only means of keeping their jobs.25

But what Verdi did not state was that the 1937 cuts were based not on the professional status of an actor, but on their relief status. Those who were not on the relief rolls were the first ones dropped from the program. Many Actor's Equity members were dropped—not because they were professional actors, but because they were not on relief.26

Although Huffman and Verdi objected to the presence of non-professional actors in the Federal Theatre, they unwittingly suggested reasons for why this had occurred. "One man was put on the project as an actor who had never been in a theatre in his life," complained Huffman, "because he grew a very luxuriant beard, and he has been kept on despite several dismissal points. because....He has grand sideburns and they use him for atmosphere...." "Atmosphere?" asked an uncomprehending Starnes. "I know that will be a consolation to the taxpayers to know that their money is going for sideburns," Dies added. Although this may have seemed ridiculous to the congressmen, as Huffman noted earlier in her testimony, roles were often cast based on a physical type. Directors who needed an extra with sideburns were obviously not concerned with his professional status. Moreover, this extra would not be paid the same as a professional actor. Unskilled FTP labor received between $21 and $55 a month, whereas actors in New York could make up to a maximum of $103. Verdi noted also that Actor's Equity did not object to the hiring of non-professionals if the person showed "unusual ability." One particular problem arose with the casting of children's

25 Hearings, Testimony of Francis Verdi, pp. 834-839; Goldstein, The Political Stage, p. 246.
26 Id.
roles. It was difficult to find children who were both on relief and professional actors. In instances such as these, the rules were disregarded and non-professional children were hired. The witnesses may have resented the presence of these non-professionals, but Project directors possessed valid reasons for keeping them around.27

Yet the bulk of this testimony did not suffer from major procedural and evidentiary defects. The witnesses presented information based on their personal knowledge of events, and provided newspaper articles, pamphlets and affidavits as evidence. Nevertheless, lapses into hearsay and speculation usually passed without comment from the Committee, and were frequent enough to cast doubt on its commitment to procedure. Much of Huffman's testimony, for example, regarded events of which she had no personal knowledge. She told the Committee details of CPC and Worker's Alliance meetings which she did not attend. Representing a group of 900 dissatisfied FTP workers, Huffman based her statements on their letters and affidavits. "Anything that I am bringing up, that has been told me by employees, has been checked by me," she assured the Committee, "....So anything they have told me, I have not brought to you unless I have it in writing from them." The Committee accepted the letters and affidavits as exhibits and failed to object when she founded her testimony on this material. But this procedure was fraught with danger. If the written material did not support Huffman's public testimony, the Committee would not know until after it had read the letters and affidavits. Meanwhile, her misstatements would have already been reported in the press.28

27 *Hearings, Testimony of Hazel Huffman*, p. 801; *Testimony of Francis Verdi*, p. 835; Goldstein, *The Political Stage* p. 246
Another danger was that Huffman's testimony was based not only on sworn affidavits, but on unsworn letters. Huffman's exact words were: "I have in this folder over a hundred letters, as well as affidavits...." She never stated, and the Committee never asked, how many letters she had compared to affidavits. Her testimony may have been based primarily on the unsworn letters, not the sworn affidavits. In a stark example of the Committee's procedural inconsistency, the day after Huffman testified, Dies refused to admit into the record the letters and telegrams of people who had written the Committee either corroborating or denying charges made by previous witnesses. Dies had promised that anyone named during public hearings would be given the chance to refute the charges, but he balked at admitting the denials into the official record. The first reason was that the flood of letters had been so great that he believed it was impracticable to incorporate them all. But the second reason was that since the witnesses making the charges had been under oath, it was only fair that the denials should also be under oath, which would preclude unsworn letters. While Dies' argument was logical on its face, in light of the Committee's failure to ensure that Huffman's testimony was predicated on sworn statements, its insistence on this standard for individuals denying charges can be interpreted as hypocrisy. More likely, however, it was an example of the absence of a deliberate, conscientious approach to procedural matters.29

A lack of procedural care was also evident in the Committee's inconsistent enforcement of the rules against hearsay. Hearsay, New York University law professor Leslie J. Tompkins wrote in 1936, "is a report communicated to the witness by a third party, made outside of the judicial proceedings." The modern definition of hearsay is "a statement, other than one made by the declarant while

testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Hearsay occurs when a witness repeats a statement made by another individual (the declarant) outside the courtroom, and the statement is offered to prove that what the declarant said was true.30

Hearsay is a legal concept and congressional investigations did not then operate in accordance with any set of formal rules, much less rules of evidence prevailing in courts of law. As Tompkins observed after noting the recent rise in the number of “permanent commissions and other investigating bodies which may be said to be quasi-judicial in their character,” the statutes creating these bodies usually exempted them from strict adherence to the technical rules of evidence. As a result, they had relaxed the rules against hearsay. While Tompkins accepted these lowered standards, Harvard Law School professor John MacArthur Maguire condemned the type of proof occasionally permitted by legislative investigating committees, specifically, “some witness trying to establish the facts of an episode by testifying what Robinson told him Jones had said Brown believed about the episode.” Maguire observed correctly that “Such loose, untested rumorous evidence may sow deadly seeds of distrust as to the validity of committee findings derived from it.” This concern was probably what motivated the Dies Committee to claim to abide by the stricture against hearsay

30 Leslie J. Tompkins, Trial Evidence: The Chamberlayne Handbook, 2d ed. (New York: Mathew Bender & Company, 1936), pp. 661-662; John H. Wigmore, Evidence in Trials at Common Law, 3d ed. (Boston: Little, Brown and Company, 1940), sec. 1364, p. 9; American Law Institute, Model Code of Evidence (Philadelphia: American Law Institute, 1942), p. 219; Graham C. Lilly, An Introduction to the Laws of Evidence, 3d ed. (St. Paul: West Publishing Co., 1996), pp. 208-209; John W. Strong, McCormick on Evidence, 5th ed. (St. Paul: West Publishing Co., 1999), p. 375. In its Model Code of Evidence, the American Law Institute provided one of the least helpful and most confusing definitions of hearsay on record, defining it as “a statement of which evidence is offered as tending to prove the truth of the matter intended to be asserted or assumed to be so intended except a statement made by a witness in the process of testifying at the present trial or contained in a deposition or other record of testimony taken and recorded pursuant to law for use at present trial.” Rule 501(2), American Law Institute, Model Code of Evidence.
despite a lack of a formal requirement to do so. In explaining for a witness the Committee's ban on hearsay, Dies noted, "...while there is a good deal of latitude allowed, necessarily, in the conduct of these investigations and we do not conduct them like they do in court, in any congressional investigation, nevertheless, we try, as much as possible, to stay within the rules and, if we can get the man (to question directly), we talk to the man." Because the Committee stated frequently that it would not allow hearsay, it is appropriate to hold it to the legal standard.31

"Out-of-court" statements are generally inadmissible in courtrooms for several reasons. The exclusion, Tompkins asserted, was originally based on a "general distrust of the jury and the effect of such statements on the minds of persons unaccustomed to consider the limitations and restrictions which legal views upon the subject would impose." As the judicial system developed, however, the justification for the rule was also refined. One of the oldest, if minor, rationales was that the declarant making the out-of-court statement usually was not under oath. A more important consideration was that the finder of fact—which in this case would be the Committee—should have the opportunity to observe the demeanor and character of the declarant. But a related and greater consideration was that the declarant himself should be made available to be cross-examined. Cross-examination is the means by which an opposing attorney uncovers any mistakes or weaknesses in the statements made by a witness. "[Modern courts]." Maguire wrote in 1947, "believe that the strength or weakness of assertions of fact can best be gauged by the way the asserter stands up or wilts under cross-examination." The mistakes or weaknesses to be

exposed included defects in perception—did the witness observe or hear accurately; memory—was the witness’ recollection correct; sincerity—was the witness telling the truth; and narration—did the language used by the witness convey the message he intended or was it ambiguous? The problem with hearsay was (and is) that the witness was merely repeating what he heard, and that the actual declarant was not present for examination.\footnote{32}

Although she claimed to have based her testimony on the letters and affidavits of others, on occasion Huffman strayed from that material and proffered hearsay instead. In discussing Hallie Flanagan’s enthusiastic support for the allegedly communistic play, \textit{Revolt of the Beavers}, Huffman said, “…and I think some of the later witnesses can testify to having been right there and heard her.” In other words, Huffman did not know how Flanagan had reacted because she had not been present. Moreover, she was uncertain whether the witnesses who were to follow had heard Flanagan’s reaction. Huffman’s testimony amounted to hearsay and conjecture, but not one Committee member protested. In another instance, she told the Committee, “Incidentally, Mrs. Flanagan made the remark to one of the supervisors, who repeated it to me….” Again, the Committee failed to object to this textbcoek example of hearsay evidence.\footnote{33}

Some witnesses presented hearsay, at other times they offered conclusions for which they had no evidence. The Committee only occasionally demurred. On one individual, Huffman concluded, “He is considered by project workers as a key Communist. He is the key Communist on the project.” No Committee member asked what evidence she had to prove this claim. When


\footnote{33} Hearings, Testimony of Hazel Huffman, p. 802.
witness Charles Walton asserted that he had refused to cast the Communists that the Project sent to him, he was not asked for proof that the actors and workers in question were Communists. Instead, Starnes asked, "Did they send you many Communists?" "Quite a few," Walton answered.34

On occasion, however, a Committee member would correct a witness. "He is supposed to have attended Communist meetings," offered witness William Humphrey about an alleged Party member. "Not 'supposed,'" Starnes warned. "Confine yourself to what you actually have knowledge of." In other instances, the Committee was unable to maintain consistent procedural rules within the span of a single witness' testimony. When Garland Kerr concluded that the purpose of the CPC was to "keep people in a constant uproar and chaos to keep their jobs," no Committee member asked him how he knew this or whether it was an assumption on his part. Later, when Kerr complained that he knew of a competent stage manager who had been replaced by an "incompetent boy" because the latter was a CPC member, Starnes explained that the Committee was not interested in any "suppositions." Similarly, Starnes warned Seymour Revzin that the Committee "will not permit any conclusions to be adduced by any witness." But minutes later, when Revzin stated, "in my opinion [the actions of the Workers Alliance] are all done in order to keep the project in a constant state of turmoil," no one objected.35

The Federal Theatre hearings garnered tremendous press coverage and Flanagan was eager to defend her program to the Committee. "It was the fashion at that time, in the WPA and out, to laugh at the Dies Committee;" she later wrote, "but it never seemed funny to me." As the hearings unfolded in the

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34 *Hearings*, Testimony of Hazel Huffman, pp. 796, 794; Testimony of Charles Walton, p. 842.
newspapers, Flanagan became increasingly anxious that the Committee had called only "few unqualified witnesses," but had not requested any Theatre officials to appear. Although Parnell Thomas had asked WPA Administrator Harry Hopkins for copies of scripts for all FTP productions and the estimated cost of producing these plays, no FTP officials had been contacted. Flanagan wrote Dies two letters seeking an opportunity to testify, but claimed she received no answer. Regardless of whether he responded to the requests, the Committee's schedule for the August hearings had been determined in advance and Dies felt there was no time to call Flanagan. After hearing from these initial witnesses, the Committee moved on to other topics.36

To be heard, Flanagan would have to battle both the Dies Committee and the WPA. She would not receive the opportunity to refute the allegations until December 1938. When Thomas made his initial charge against the FTP in July, Flanagan responded with a statement to the press. WPA officials in Washington informed her, however, that only its information division was allowed to answer press stories, and it chose not to respond publicly to the charges. By the end of August, Paul Edwards, Administrator of the New York Project, began pulling the employment files on each witness. Edwards found that the witnesses were almost all "disgruntled employees" who had been denied promotions or suffered

36 Flanagan, Arena, pp. 335-336; J.P. Thomas to Harry Hopkins, August 3, 1938, National Archives and Records Administration (NARA), Record Group (RG) 233, Series 1, Box 2. Flanagan’s recollection that she received no reply from the Committee is probably incorrect. Jane De Hart Mathews cites a letter found in the FTP files from Dies to Flanagan dated August 9, 1938, in which the Chairman informed her that their schedule was too heavy to accommodate her at that time. Mathews, The Federal Theatre, p. 200. The Workers’ Alliance also wanted to know why the Federal Theatre officials were not responding to accusations made before the Dies Committee. It reported that WPA officials told them that when Flanagan asked to be heard she was sent a “curt note of refusal.” Contrary to the reports of interested parties at the WPA and the Alliance, the Committee was extremely eager to hear from Flanagan. “Dies Committee Exposed,” Prompter Extra, September 21, 1939, NARA, RG 233, Series 1, Box 5, Folder: Birmingham.
some type of work-related setback. Despite these findings, the WPA continued its strategy of inaction.\textsuperscript{37}

Meanwhile, Thomas continued to attack the Theatre Project in the press and on the radio. On September 1, 1938, Thomas reported that he had received thousands of letters from Federal Theatre employees that provided "irrefutable evidence" corroborating the charges made in the August hearings. He added that the WPA had docked the pay of FTP employees who had testified in Washington. Flanagan immediately wrote Dies to explain that under WPA regulations, the employees could not be paid for work they did not perform, but that they had been offered the opportunity to make up the lost time. Although Flanagan again offered to testify, the WPA maintained its silence.\textsuperscript{38}


\textsuperscript{38} \textit{Id.} The Worker's Alliance began its own campaign to refute the claims made against the Federal Theatre. In its newsletter, \textit{Prompter}, the Alliance denied a handful of specific charges made by Seymour Revzin and his wife, Hazel Huffman. The Alliance, however, was not above mischaracterizing events to its own advantage. It called the testimony of Sally Saunders, the witness who complained of racial mixing on the Project, "purely a publicity stunt...apparently used to inject a note of racial animosity." Saunders' testimony was racist and had nothing to do with un-American activities. The Committee probably had no idea what she would say, and after it became apparent that her testimony would offer little more than a statement about her uneasiness with the presence of African-Americans on the Project, the Committee quickly dismissed her. \textit{Prompter Extra}, September 21, 1938, NARA, RG 233, Series 1, Box 5, Folder: Stephen Birmingham. In addition to the claim of docked pay, Committee investigator Stephen Birmingham privately reported that at least four of the witnesses had been discriminated against since giving their testimony. Charles Walton was removed from his position as a director of a show and placed back in the directorial pool where his salary was halved. Seymour Revzin reported that he was reassigned to a school in New York's German section of Yorkville. He claimed this was retaliation because he was Jewish and the majority of the students were of German descent. Sallie Saunders, whom Birmingham described as "a southern girl with a southerner's dislike to associating with negroes," was assigned to the touring company of \textit{Haiti}, a show with a predominantly black cast. Memorandum (no date), NARA, RG 233, Series 1, Box 5, Folder: Stephen Birmingham.
Only after the Committee began to hear witnesses about Communist activities in the Federal Writers' Project in mid-September did the WPA decide to act. Assistant WPA Administrator Ellen Woodward requested that the Committee hear from the national directors of the Theatre and Writers' Projects. Paul Edwards, Emmett Lavery, and Theodore Mauntz, all of the New York Project, assembled a lengthy written response to all of the claims made by Committee witnesses. It began with a statement by Flanagan defending the Project and herself, described FTP audiences, provided critics' summaries of the FTP plays objected to by witnesses, delivered a point-by-point refutation of the specific charges leveled at the hearings, and included the employment records of each of the August witnesses all supported by voluminous exhibits and affidavits.39

With the brief prepared, Flanagan readied herself for her appearance, but as she later wrote, "to prepare the brief was a relatively simple matter; to get to present it was more arduous." WPA officials had made the decision to have Ellen Woodward speak on behalf of Flanagan and Henry Arisberg, the National Director of the Federal Writers' Project. Although Flanagan and Arisberg desperately wanted to present their own defense, believing Woodward did not possess sufficient technical knowledge to answer Committee questions, the decision had already been made. Flanagan's description of Woodward's testimony as "a gallant attempt to defend the projects" was charitable. More accurately, Woodward's appearance was a complete disaster.40

Congressman Thomas was as eager to hear from Flanagan as she was to appear. When faced with the prospect of testimony only from Woodward, Thomas moved to forego her appearance in favor of immediately calling the

Theatre Project’s National Director, but the Committee had tabled the motion. Armed with the brief and accompanying exhibits and affidavits assembled by the New York Project, Woodward testified. The decision to have Woodward, rather than Flanagan or Arlsberg, appear was curious. She had little direct knowledge of any of the charges against the projects, a fact which was not lost on the Committee. The first morning of Woodward’s testimony was taken up by an extensive argument about her qualification to discuss the matters at issue. Woodward’s lack of direct knowledge of the events not only annoyed the Committee, but left her unable adequately to defend the arts projects.⁴¹

Woodward’s testimony and Flanagan’s later testimony, comprise some of the most maddening exchanges between that took place during the life of the Dies Committee. Here the Committee was at its worst: hostile, argumentative, refusing to acknowledge inferences made in prior testimony, and demanding a precision in the statements made by witnesses defending themselves that was not required of those making the original charges. Usually, however, Woodward’s testimony was little better, often obtuse, evasive and disingenuous. Woodward clearly felt that the WPA arts projects had been attacked by the Committee. Nevertheless, despite Thomas’ public pronouncements, the Committee clung to the position that it was simply undertaking an unbiased investigation into these matters. For example, after Woodward referred to “specific charges that [the Committee] had preferred against the people who are under my jurisdiction,” Congressman Starnes interrupted to emphasize that the Committee itself made no charges, only witnesses before the Committee had done so. “We are not in the role of prosecutors here,” Starnes explained, “Nor are we making any charges. We are merely investigating.” While technically

true, Parnell Thomas sounded like a prosecutor bringing charges when he spoke to the press of having “irrefutable evidence in my possession substantiating every previous accusation made by me prior to the official hearings....” By arguing such points as who made the charges against the FTP, moreover, the Committee was sidestepping Woodward’s main objection, that in failing to work with arts project officials and in choosing to allow disgruntled employees to testify, the Committee had exhibited a bias. These complaints deeply offended the Committee, especially when Woodward blundered by accusing them of conducting the hearings in an “un-American” manner. After this misstep, every statement she made was scrutinized by the Committee in an unrelentingly exacting fashion.\(^{42}\)

Woodward began by offering a general description of the WPA arts projects taken directly from the prepared brief. No sooner had she begun than Congressman Thomas interrupted to object that this description did not have anything to do with un-American activities. Thomas’ objections were overridden by Dies and Starnes, who pointed out that the Committee had allowed prior witnesses wide latitude in their statements. Dies and Starnes might have been well-advised to heed Thomas’ objection since much of Woodward’s testimony ignored the question of subversive activities. Un-American activities was the only subject in which the Committee was interested, but Woodward interpreted the investigation as a life or death struggle for the program. She seemed to be operating under the belief that she needed simply to illustrate for the Committee that many people across the country and around the world thought that the Federal Theatre was performing worthwhile work. She failed to understand that

the Committee was unconcerned with the artistic merits of the FTP's productions.43

One of the first points Woodward emphasized was that under federal relief laws, the arts projects were prohibited from inquiring into the political affiliations of potential employees. This explanation, also referred to by Flanagan, functioned as a sort of WPA "don't ask, don't tell" policy. Because the WPA was not allowed to ask about political affiliations, she explained, it was entirely possible that Communists might be employed on the Project. But this excuse ignored the real complaint, which was not simply that the Federal Theatre employed some Communists, but that they were engaging in subversive activities on Project time and influencing the content of its productions. Woodward, having spent little time in the New York offices, could not even respond to these accusations. Her lack of direct knowledge prevented her from adequately defending the Project. Appropriately skeptical, Dies asked, "Do you undertake to tell this Committee that you are in a position to dispute what actually took place on the project in New York? How many times did you personally visit the project, or were you present there?" Woodward responded, "I visited New York a number of times." To which Mosier sarcastically remarked, "We all have." "Not New York," Woodward corrected, "but on that project." But when pressed about the extent of her knowledge, Woodward conceded, "I am telling you what I know to the extent that any administrator could who has a Nation-wide program.44

Returning to the subject of the Committee's unfair treatment of the FTP, Woodward stated that had the Committee asked, the WPA would gladly have opened its files to inspection and aided the investigation in any way possible.

Although Starnes believed this might be useful, Dies doubted that the files would reveal communistic activity. Woodward countered that had the Committee done so, it might have at least discovered the questionable background of some of the witnesses on whom the Committee relied. For example, Hazel Huffman had been neither a Theatre Project employee nor possessed a theatre background. She was, Woodward concluded, unqualified to pass judgment on Federal Theatre plays. For Dies, it did not matter whether Huffman had a background in theatre. All he cared about was Communist activity, and for that it was irrelevant whether or not she possessed the necessary qualities of "artistic judgment." To Dies, one did not need to be a drama critic to determine the communistic content of a play. But as Woodward observed, the previous witnesses ventured into a great many administrative and technical matters of which they had no knowledge, another fact which might have been illuminated had the Committee conducted more stringent background checks.\footnote{Hearings. Testimony of Ellen Woodward, pp. 2764-2765, 2772-2774; Testimony of Hazel Huffman, pp. 796, 807, 818.}

Woodward's complaint touched on the critically important issue of witness credibility.\footnote{Witness credibility should not be confused with competency. Competency refers to "the threshold question of whether a prospective witness is qualified to give any testimony at all in the case." Generally, this involves inquiries regarding matters such as mental incapacity or immaturity, i.e., witnesses who would be "insensible to the obligation of an oath." Competency refers to the "legal capacity or fitness to be heard in a court," which is a matter separate from credibility. "...[A] witness may be competent," wrote James Henderson, "although unworthy of belief. Strong, McCormick on Evidence, 5th ed., pp. 102, 110; James M. Henderson, Commentaries on the Law of Evidence, 2d ed., (San Francisco: Bancroft-Whitney Company, 1926), pp. 3895-3896.} The FTP's based its objections to the Committee's witnesses on two grounds. First, was Woodward's claim that the witnesses never had access to the information on the topics about which they testified. Second, in the brief prepared by the New York Project, the FTP claimed that these earlier witnesses were all disgruntled employees. The types of complaints registered by
Woodward and the FTP would have been considered valid and serious if raised in a legal proceeding. Courts of law, with the goal of accessing "the most reliable sources of information," require that testimony be based on firsthand knowledge. "The principle of testimonial knowledge," wrote legal scholar John Wigmore, states "that the witness must speak as a knower, not merely a guesser." Bias or hostility are also important factors in assessing a witness' credibility. A biased or hostile witness presents a greater risk of lying or, at the least, exaggerating the truth.47

In litigation, attorneys raise issues regarding a witness' credibility during cross-examination. A trial is an adversarial proceeding in which opposing sides take turns presenting their case while simultaneously attempting to undermine that of the opposition. The plaintiff's case is presented first, followed by the defendant. Witnesses testify and present evidence at each stage. The side calling the witness conducts a direct examination. The opposing side is then allowed to cross-examine the witness. The American Law Institute's Model Code of Evidence states that "for the purpose of impairing or supporting the credibility of a witness, any party...may examine him and introduce extrinsic evidence concerning any conduct by him and any other matter relevant upon the issue of his credibility as a witness." During cross-examination opposing counsel may attempt to impeach a witness by asking questions intended to elicit "personal admissions...of the factors rendering his testimony dubious." Cross-examination is considered so crucial to arriving at a complete set of facts that in legal proceedings it is considered not a privilege but a right. It is considered "the most potent weapon known to the law for separating falsehood from truth, hearsay from actual knowledge, things imaginary from things real, opinion from fact, and

inference from recollection, and for testing the intelligence, fairness, memory, truthfulness, accuracy, honesty and power of observation of the witness."\(^{48}\)

Legislative investigations are supposed to be for the purpose of fact finding or informing the public and are not considered adversarial proceedings. To require congressional committees to conform to the procedural and evidentiary rules used in legal proceedings would be time-consuming and impractical. The danger, however, is that congressional committees may be operating under their own bias. This may result in a failure to examine "friendly" witnesses thoroughly or in taking an adversarial stance toward "unfriendly" witnesses. At this point the proceedings may degenerate into something resembling a trial but with the committee assuming the role of prosecutor, judge and jury. In this scenario, defense counsel is notably absent. A committee may hear charges and accept evidence against individuals but is under no obligation to permit the accused to defend himself. Cross-examination only exists to the extent that committee members avail themselves of it. Ideally, a committee will have thoroughly checked the background and the credibility of each witness before allowing public testimony, and, motivated by a sense of fairplay, will allow the accused to appear.

With its $25,000 appropriation, the Dies Committee did not have the resources it needed to perform the necessary background checks of its witnesses. In addition, in the case of the FTP, the initial "friendly" witnesses were presenting a story that at least some Committee members (particularly Thomas) accepted as true prior to beginning the inquiry. Since these witnesses were telling the Committee what it wanted to hear, it was doubtful that they would be

subjected to a searching examination that might uncover evidence of bias or a lack of knowledge.

Woodward appropriately attempted to address the issue of the lack of firsthand knowledge and bias of some of the witnesses. Unfortunately, her knowledge was so restricted that she was unable to press the point convincingly. Moreover, the Committee objected to Woodward’s lack of first-hand knowledge, although it had accepted Huffman’s testimony without seriously questioning it. Huffman was the primary witness against the Federal Theatre, yet according to her own testimony, her actual contacts with the Theatre were limited.49

The Committee did attempt to pin down the nature of Huffman’s work on the Project and the length of time she spent there, but her answers were extremely vague. Huffman was a WPA employee who had actually never been on the Federal Theatre payroll. At the WPA, she testified, her job was to “analyze the mail.” She was later sent to the Federal Theatre to work under Victor Ridder, the New York Project administrator at the time, as an “investigator” to read and sort the mail. Huffman stated that she was given the assignment because “letters were being written that were not befitting the dignity of the WPA.” She provided no further detail. At one point she stated she held the job for two days, but later claimed to have held the position for several months. Other than that, her contacts with the FTP were based on her being the spokesperson for the Committee of Relief Status Professional Theatrical Employees of New York City, whose purpose was to “acquaint authorities…of the conditions that exist.” Although this appears to have been the extent of

Huffman's direct contact with the Federal Theatre, Woodward was unable to turn this to her advantage. 50

The decision to have Woodward appear on behalf of the arts projects was disastrous insofar as getting at the truth. When asked whether any "communistic activities" took place on the Federal Theatre Project, she flatly denied the possibility. Yet, the Committee had heard from New York Project Administrator Paul Edwards in executive session that some activity of this nature had gone on in the past. Such contradictions along with arguments over her qualifications led to so much bickering that the Committee rarely got around to asking Woodward about matters on which she might have more competently spoken. For example, the issue of the Worker's Alliance, which had played a central role in the earlier hearings, was only briefly addressed in Woodward's testimony. In response to a question, Woodward did explain that the Alliance was not the sole bargaining agent of the relief workers, and that the Project was required by law to recognize any bargaining agency for the workers, of which there were seventeen. But this was the extent to which the Committee addressed the issue. 51

Woodward was a weak witness. But the Committee's treatment of her was harsh and unfair. For example, when Woodward attempted to defend Flanagan against the charge that she was a Communist, the Committee

50 *Hearings*, Testimony of Ellen Woodward, pp. 2764-2765, 2772-2774; Testimony of Hazel Huffman, pp. 796, 807, 818. One example of what the Committee might have found in FTP files that was not mentioned by Woodward was that a survey on laid-off employees being conducted by Francis Verdi was canceled not as Verdi said because of pressure from the Workers' Alliance, but because Actor's Equity President Burgess Meredith complained that it was inefficient and that Equity would refuse to accept it. Mathews, *The Federal Theatre*, p. 207. Starnes objected to the fact that the Federal Theatre had conducted extensive background checks on the complaining witnesses that included medical and psychiatric reports. Ignoring the right of the FTP to undermine the credibility of its accusers, Starnes asked why they did not expend such an effort in checking the backgrounds of those accused of being Communists. *Hearings*, Testimony of Ellen Woodward, pp. 2828-2829.
exploded, denying that any such accusation had been made. At issue was Hazel Huffman's testimony. Huffman, the Committee pointed out, had merely stated that Flanagan was known for "her communist sympathy, if not membership."

"Did anyone charge her with being a Communist?" Dies asked. "Mr. Chairman, no," Woodward replied. "You recognize a big difference," Dies continued, "between a communist sympathizer and a Communist, do you not?" Before she could answer, Dempsey intervened to ask whether she might want to clarify her statement by saying that Flanagan was accused of "communistic sympathies." Woodward held fast, stating, "...[Huffman] infers that [Flanagan] has membership. I would infer that." Woodward's interpretation was reasonable given Huffman's statement:

My contention is—I cannot prove that Mrs. Flanagan has Communist membership, as I have never seen a card bearing her name; but I can prove Mrs. Flanagan was an active participant in Communistic activity, and that her Communist sympathies, tendencies and methods of organization are being used in the Federal Theatre Project at the present time....

Huffman's testimony also spoke of Flanagan's trips to Russia and her presence at meetings sponsored by John Reed Clubs and the New Masses where banners proclaimed "Workers of the World Unite." The Committee had often stated that because of the difficulty in obtaining Party cards and because Party members often used pseudonyms, it would accept as evidence of Party membership the fact that someone was observed at meetings. In keeping with the Committee's own proof requirements, then, Huffman's testimony should have been equated with an actual charge of Party membership. But Dies and Dempsey continued to insist on a distinction between Party membership and Party sympathy, ignoring the fact that Huffman accused Flanagan of "communistic activities." Given the
evidence that the Committee regularly accepted as probable proof of Communist Party membership, even Thomas was forced to interrupt and argue, “I can’t see very much difference between a person who is sympathetic to the communist cause, and a member of the Communist Party.”

The Committee continued to parse the more general objections registered by Woodward as against the specific statements made by Huffman. It claimed that Woodward was taking limited statements by Huffman and interpreting them as broad, sweeping condemnations. Woodward objected that it was not merely the direct statements but the inferences that were damaging. The Federal Theatre brief, on which Woodward relied, based its defense on “accusations made directly or by inference.” Woodward did not believe that only she had interpreted Huffman’s statements negatively. For example, Woodward said that Huffman claimed that Federal Theatre audiences “are almost entirely composed of communistic or radical groups.” The Committee objected to this characterization of Huffman’s testimony. “You make a broad, sweeping statement,” said Dies, “that is not backed up by a reading of the testimony of the witness.”

Perhaps Huffman’s testimony was not quite as sweeping as Woodward’s interpretation of it, but the difference was slight. Huffman had said that the FTP chose plays according to their political content because “they could not get audiences for anything except communistic plays.” In the same breath, she

added that the majority of the block tickets sold by the Theatre were to Communist organizations. The FTP was eager to dispel the impression created by Huffman that its audiences were primarily “communistic.” Its brief, therefore, included a section discussing in detail the many different religious, patriotic, educational, fraternal and other organizations to whom it sold tickets. But rather than allowing her to present evidence that FTP audiences represented a wide cross-section of the population, Dies kept Woodward bogged down in arguing the semantic differences between Huffman’s statement and the FTP’s interpretation.54

Woodward next took up Huffman’s claims of propaganda in specific plays. Here she made another misstep upon which the Committee quickly pounced. Woodward’s main contention was that Huffman was not qualified to critique FTP productions because she did not have a theatre background. To counter Huffman’s criticisms, Woodward read excerpts from theatre critics’ reviews. As Committee members rightly pointed out, most (but not all) of these reviews were

54 Hearings, Testimony of Ellen Woodward, pp. 2792-2793. “Federal Theatre Project Investigation: Brief Refuting Charges,” Series 11, Box 33, Folder: Federal Theatre Investigation. The Committee consistently played innocent to the public reaction and effects of witness testimony. At the conclusion of her testimony Woodward tried one more time to explain her position: “The facts are that you gave widespread publicity to testimony given before your committee—” “We didn’t give publicity to anything,” Starnes replied. “The press carried it...We make no attempt to censor the press. We make no attempt to censor any other witness.” This statement ignored the fact that the Committee had struggled with the issue of whether or not to hold public hearings for fear of inaccurate or careless charges being reported in the press, and the fact that the Dies Committee actively sought press attention. But it was typical of the Committee’s attitude that it claimed it did not make any charges, witnesses did, and that it did not have control of the press, both of which were patently false. The committee could, and at times did, stop witnesses who went too far, and could easily have conducted all of its hearings behind closed doors. Hearings, Testimony of Ellen Woodward, p. 2827.
directed at the quality rather than the play's politics. The play Power, for example, had been cited by Huffman as advocating public ownership of electric utilities. Woodward, however, defended the production by reading a New York Evening Journal review which described it as "an interesting and carefully documented exposure of what has happened to electricity since it first was discovered and harnessed for use by man." But this review did not address the Committee's concerns. Moreover, any favorable reviews were considered suspect by the Committee unless they knew the reviewer's political leanings. Woodward could not tell them whether or not the quoted reviewers were Communists. Worse, Woodward was unable to comment on the content of the plays herself because she had read fewer than half of them. Neither had any of the Committee members. This fact did not prevent either side from forcefully asserting its position.55

55 Hearings, Testimony of Ellen Woodward, pp. 2797, 2814-2815. When criticized by Starnes for not having read the plays, Woodward asked if the Committee had read them. Starnes replied no, but that they had heard from witnesses who had. Woodward asked, "Have you under oath asked them if they have read them?" "You are not here to ask the Committee questions," Starnes snapped, "You are here to answer questions." Hearings, Testimony of Ellen Woodward, p. 2828. Although the Committee members had not read the plays at the time of these hearings, it did have the scripts in its possession. Huffman introduced the material during her testimony and they survive in Committee records with pages marked on which offensive passages can be found. It is unclear, however, whether these markings were made by Huffman, by Committee members, or by Committee investigators. See generally NARA, RG 233, Series 11, Boxes 33-35. Further evidence that Committee members did not hesitate to claim they knew the content of plays they had not read is exhibited by Starnes' insistence that CPUSA leader Earl Browder was the principal character in the play Triple-A Plowed Under. Browder appears exactly once in this play and speaks only three lines. In the scene in which he appears, he is responding to the Supreme Court's decision invalidating the AAA. Browder states: "The reactionaries seek to turn both 'Americanism' and the Constitution into instruments of reaction, but neither of these things belongs to them. Nowhere does the Constitution grant the Supreme Court power over Congress, but it does make Congress the potential master of the Supreme Court. I repeat, the Constitution of the United States does not give the Supreme Court the right to declare laws passed by
The main problem with Woodward's testimony was her desire to defend the artistic value of Federal Theatre productions, when it should have been obvious that the Committee cared only about content. She claimed that while preparing for her testimony she had not inquired into the "social significance" of the FTP plays. This was irresponsible given that she had months to review Huffman's testimony that specifically criticized the content of productions. By relying on reviews that judged the quality of plays and failing to familiarize herself with their content, Woodward inadvertently backed herself into ridiculous corners by denying their obvious political subject matter.56

She described one children's play that she had not read, *Revolt of the Beavers*, as "non-partisan." The play told the story of two children who are transported to Beaverland where they encounter a group of worker beavers building a dam. The chief beaver, an exacting taskmaster, requires the worker beavers to toil at the "busy wheel" then refuses to share with them the fruits of their labor. The children and a beaver named Oakleaf organize the beavers to form a union, the "United Front of Beavers of Beaverland," and lead a successful revolution that ejected the chief beaver from Beaverland. Thereafter, everything in Beaverland is shared equally. When Starnes asked whether the play contained anything of social significance, Woodward replied, "In my opinion, Mr. Starnes, it is a fantasy." Her tenuous credibility in the eyes of the Committee had surely evaporated once she identified this production as non-partisan. To defend

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the play, she described in detail the FTP production approval procedure. She argued that the people involved in the approval process would not have allowed an objectionable play to go forward. To the Committee, this process had little meaning if it was dominated by Communists. It wanted to know, therefore, the political affiliations of the individuals responsible for approving plays. Woodward could not answer.57

As poorly prepared as Woodward seemed to be, at times the Committee betrayed an inexcusable lack of understanding of its own mission. In continuing the discussion on Power, Thomas asked whether it was a propaganda play. Woodward replied that it was not communistic. But the Committee was interested in whether the play could be considered propaganda of any type. “Well, Mr. Starnes,” Woodward asked, “give me your definition of propaganda, will you?” “That is not for me to do,” replied Starnes. “I would like to have the committee tell me what they consider the definition of that word,” Woodward asked again. Dies answered, “Of course, you are an expert on this, Mrs. Woodward. You are the one doing the testifying.” “No, sir; but I thought maybe you were all experts too,” said Woodward. To which the chair of the special committee assigned to investigate the “extent, character, and objects of un-American propaganda activities in the United States” responded, “We do not arrogate that to ourselves.”58

Clearly, Committee members had not yet determined, or even considered, the definition and nature of propaganda, which was the purpose of the investigation. Propaganda is the dissemination of ideas to support a doctrine, not necessarily subversive or communistic or un-American doctrine, but any doctrine. That Federal Theatre plays may have been considered propaganda should not have been fatal since the Committee's task was to uncover un-American propaganda. As a first step in its inquiry, the Committee should have at least determined a working definition of "un-American propaganda." The questions posed by various committee members suggest that few of them recognized such distinctions. Dies seemed to acknowledge the difference when he explained to Woodward that the Committee was interested in "the question of communistic propaganda, and not general propaganda." Yet, earlier, he had told Woodward that the Committee was interested in Huffman's claims "that there was propaganda in certain of the plays and communism, and that there was class hatred, and class consciousness taught in some of these plays." "In other words," said Dies, "strikes, anti-lynching, and all of this sort of thing are stressed and brought out and dramatized." 59

Dies likely equated strikes and anti-lynching with communism, and Communists were active in both areas. But not all supporters of a worker's right to strike or opponents of lynching were Communists. Also, while Dies may have recognized the distinction between general propaganda and un-American propaganda, the other Committee members, prone to conflating terms such as

59 Hearings, Testimony of Ellen Woodward, pp. 2805, 2807, 2813; Testimony of Hazel
propaganda with social significance, seemed to interpret all instances of propaganda as intolerable. No Committee member attempted to restrain Hazel Huffman by pointing out that not all of the propaganda she identified in various productions could be considered un-American.60

After the Committee wrangled with an uninformed Woodward for a full day and a portion of a second, Hallie Flanagan finally received an opportunity to defend the Federal Theatre. In November 1938, one month prior to her appearance, Committee investigator Birmingham suggested that Huffman be allowed to appear one more time to present new, sensational evidence. Birmingham wrote Stripling that Huffman was prepared to present new information that was the result of three weeks of “night and day” research. Huffman, Birmingham wrote, was so feared by “the people in Washington” that she had been kept under constant surveillance since her original testimony. Birmingham had coached her on her testimony, helping her to “reduce this very complicated theater situation to a clear and readily understandable story.” He had also outlined a procedure by which Huffman could present her charges. Forgetting, as Starnes had vociferously pointed out, that the Committee did not act as a prosecutor, but only served as a forum to hear both sides of the story, Birmingham suggested that Huffman present a series of “rapid-fire” accusations in the form: “I accuse Mrs. Flanagan of...” After Huffman laid out her allegations, Flanagan would then be invited to take the stand and give yes or no

60 Hearings, Testimony of Ellen Woodward, pp. 2805, 2807, 2813; Testimony of Hazel Huffman, pp. 784 et seq.
answers to each one. This would give Flanagan her chance to appear before the Committee as she had requested, while "at the same time prevent her presenting the elaborate address which she has been preparing for just such an occasion." Birmingham suggested that Flanagan be ambushed by this procedure because if she were told of the Committee’s plans in advance, she might not attend. Given the claims that frequently appeared in the press that the Committee was biased, had reached its conclusions before hearing all the evidence, and engaged in questionable procedures, such a course of action would have been disastrous. Although the Committee knew better than to follow Birmingham’s suggestion, this letter lends credence to such criticisms.61

Without first reading a prepared statement, Flanagan immediately began answering questions. The first topic was Huffman’s claim that Flanagan was unconcerned with removing people from relief rolls, but made personnel cuts based on what was good for the Theatre rather than a person’s relief status. To support this contention, Huffman quoted a letter in which Flanagan stated: “In making these necessary separations from the pay roll, supervisors were directed to give primary consideration to the needs of the Federal Theatre Project rather than to the relief status...of individuals.” In rebuttal, Flanagan denied ever putting the “artistic record on this project before the human record.” Flanagan claimed that she wrote the letter in question after receiving an order from Washington for personnel reductions among relief personnel only—non-relief personnel were not to be included in this particular reduction. The quoted

61 Stephen W. Birmingham to Robert Stripling, November 4, 1938. NARA, RG 233,
statement, then, did not refer to choosing between relief and non-relief personnel, but to who would be dismissed solely from among those on relief. In making the decision, she wrote in her letter, "we should be guided by, first, actual value to the Federal Theatre Project; second, professional training and achievement in acting." Huffman, Flanagan argued, had misunderstood because she had failed to read the letter carefully.62

There were problems with Flanagan's explanation. Huffman quoted two letters in her testimony. The first included the comment that in making cuts relief status should be ignored, the second was the one Flanagan quoted. Both letters were entered as exhibits, but Flanagan testified that only one letter existed, the second letter from which she quoted. She never attempted to explain or justify the statement in the first letter. As for the second letter, in it Flanagan did not specify that non-relief personnel were to be cut and that she was speaking only about the subset of theatrical personnel on relief. The Committee had only Flanagan's word that she was referring solely to relief personnel. Moreover, the first letter directly contradicted her. Although the Committee asked Flanagan about the quote cited by Huffman, it accepted her word that she did not write the first letter.63

After quickly disposing of Huffman's first charge, Flanagan was asked about the more complicated subject of her communist sympathies. This line of

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63 Hearings, Testimony of Hallie Flanagan, pp.2840-2842; Testimony of Hazel Huffman, p. 782.
questioning, pursued mainly by Starnes, focused on Flanagan’s study of Russian theatre. Flanagan would later remark that the Committee gave “more time to the discussion of the Russian theatre than Federal Theatre had in the four years of its existence.” As part of her Guggenheim Fellowship Flanagan extensively toured of European theatres. Most of her time, however, was spent in Russia, whose theatre she generously praised as “vital and important.” Starnes asked Flanagan what made this theatre so vital and important. She sidestepped the question by replying, “I have maintained consistently that we are starting an American theatre, which must be founded on American principles, which has nothing to do with the Russian theatre.” “I know,” said Starnes, “but you are not answering the question.” Flanagan then attempted to reply directly, but was repeatedly interrupted by Starnes, who insisted she was not answering the question. He was so intrusive that Dempsey came to Flanagan’s defense, telling Starnes, “I think the witness ought to be allowed to finish her answer.” Starnes was so aggressive that even Thomas accused him of interrupting Flanagan when he did not like the answer. When Starnes persisted in this tactic, Dempsey objected again: “The witness makes her statement and you don’t let her finish it. You interrupt her and I object to that.” “I think such a remark is a little uncalled for.” Starnes demurred. “You interrupt her,” Dempsey insisted before Dies interceded to move the proceedings along.64

After this initial skirmish, Flanagan was asked specifically about the distribution of Communist literature on the Project. She provided the Committee

with a copy of her order forbidding the dissemination of propaganda on Project
time or using Project money. She also asserted that she had never seen any
propaganda being passed out or posted on Project bulletin boards. Starnes and
Dies would raise the question again later, only to receive the same answer.
Although these charges comprised a large part of the August testimony, and
would be the main charge the Committee made in its January Report, the
Committee only asked Flanagan about it in these brief instances. Basically,
there was little more to be said on the topic once she denied ever witnessing any
such activity.65

During her interrogation, Flanagan was asked about the twenty-six
propaganda plays identified by Huffman. Completely reversing the strategy
unsuccessfully employed by Ellen Woodward, she directly addressed the issue of
propaganda. Unlike the Committee, Flanagan attempted to define propaganda
and distinguish it from Communist propaganda. "I could not say that we never
did a propaganda play," she declared. "But I should like to go to the actual
definition of 'propaganda.'" Flanagan defined propaganda as "education focused
on certain things." She also believed that the Committee assumed that all
propaganda was "propaganda for communism." The witness denied that to her
knowledge the FTP had ever staged a production that was propaganda for
communism, but admitted it had produced propaganda. One-Third of a Nation
was propaganda for better housing, and Power was propaganda "for a better
understanding of the derivation and scientific meaning of power and its wide

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65 Hearings, Testimony of Hallie Flanagan, pp. 2847, 2867, 2879-2885.
use.” She acknowledged that the play addressed the public ownership of power, but added that it was merely presented as an option along with private ownership. *Injunction Granted*, she explained, was propaganda “for fairness to labor in the courts.” “In other words,” asked Starnes, “it does teach class consciousness, doesn’t it?” “No,” Flanagan replied, “I should say that that play was a definite historical study of the history of labor in the courts.”

Flanagan next attempted to make the point about Federal Theatre audiences that Woodward had failed to make. This time the Committee did not keep the witness bogged down in meaningless semantic distinctions, allowing Flanagan to testify on the various groups that attended FTP productions. No sooner had she finished this list than Starnes began quoting from an article she had written on workers’ theatre. Unwittingly about to hand his detractors fodder with which they would ridicule the Committee for years, Starnes quoted Flanagan’s description of workers’ theatre as possessing a “certain Marlowesque madness,” then asked, “You are quoting from this Marlowe. Is he a Communist?” “I am very sorry,” replied the witness, “I was quoting from Christopher Marlowe.” “Tell us who Marlowe is, so we can get the proper reference, because that is all we want to do,” Starnes continued. “Put in the record,” Flanagan announced, “that he was the greatest dramatist in the period of Shakespeare, immediately preceding Shakespeare.” “The room rocked with

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66 *Hearings*, Testimony of Hallie Flanagan, pp. 2850-2852. Flanagan later wrote that Harry Hopkins’ reaction to *Power* was to declare that he wanted “‘this play and plays like it done from one end of the country to another.’” As for the people who would accuse *Power* of being propaganda, Hopkins said, “‘So what of it...The big power companies have spent millions on propaganda for the utilities. It’s about time that the consumer had a mouthpiece.’” Flanagan, *Arena*, p. 185.
laughter," Flanagan later wrote, "but I did not laugh. Eight thousand people might lose their jobs because a Congressional Committee had so pre-judged us that even the classics were 'communistic.'” 67

The questioning returned to the subject of the propaganda in FTP productions, specifically in Revolt of the Beavers. Although she had previously admitted that the Project did not shy away from propaganda, Flanagan averred that the controversial play was nothing more than simple entertainment for children. Quoting from surveys taken of schoolchildren who had seen the production, Flanagan argued that the only message they took from the play was that selfishness was bad. Primarily, they enjoyed watching adults dressed as beavers ride around on roller-skates. Although this was undoubtedly true, her denial that the play possessed a Marxist subtext was disingenuous.68

The Committee let the issue drop, and Parnell Thomas moved the topic back to Injunction Granted. His main complaint regarded a scene in which the Workers' Alliance stormed the New Jersey legislature, accusing it of inaction. Thomas had been a member of that legislature. He informed Flanagan that he knew the legislature had not been guilty of inaction. Flanagan patiently explained that Injunction Granted was a "Living Newspaper." This was a theatrical form in which all of the events were taken directly from the headlines. Much of the dialogue of these productions consisted of direct quotes. The charge of inaction was not a reflection of the opinion of the Federal Theatre, but came from the Worker's Alliance position at the time that it stormed the legislature. This

explanation did not satisfy Thomas. Did the witness think it proper for the Federal Theatre to produce this kind of "propaganda against the elected legislators of a particular state?" he asked. Flanagan weakly responded that the scene in question was just one in a full-length play. Although she defended the production, her feelings were not too far removed from those of Thomas. She later wrote that she considered the play "bad journalism and hysterical theatre." Flanagan thought that the history of labor was an appropriate subject for the FTP to address, but objected to "load[ing] that history with insinuation," by which she meant the scene in the New Jersey legislature. She had even written the director of Injunction Granted to warn him that she did not want the Federal Theatre to be used for political purposes. Flanagan's failure to inform the Committee of her real feelings about this play reflected her determination to defend her program. But for her to state that the fact that the play quoted the Alliance did not constitute an endorsement of the Alliance, was not unlike the Committee claiming that it never made any charges against the Federal Theatre, that only witnesses had made the charges.69

Much of the remainder of Flanagan's testimony continued the discussion of what was proper subject matter for Federal Theatre plays. Throughout her career, Flanagan had been a champion of the theatre as more than simply entertainment. For this reason, Starnes questioned her about the use of theatre as a weapon. Flanagan had made too many public pronouncements about the ability of theatre to educate now to deny the sentiment. But the Committee,

68 Hearings, Testimony of Hallie Flanagan, pp. 2859-2860.
which had shown itself unwilling to recognize the difference between propaganda and un-American propaganda, was not likely to agree with Flanagan that because a play included social and economic ideas it did not necessarily make it subversive. The Committee refused to recognize the distinction. At issue was the use of federal funding to promote social, economic and political ideas. The Committee did not believe that the FTP knew where to draw the line between liberal and subversive propaganda. It therefore believed the Theatre should avoid all plays of social relevance. Flanagan continually attempted to move her questioners away from this topic by insisting that the Federal Theatre chose plays based on their quality, not their content—the same point Woodward failed to make—and to stress that they staged productions of all kinds, to appeal to all audiences. But Dies would have none of it, and continued relentlessly to move her back to the topic of using theatre to promote ideas.70

It was a slippery slope, and once Dies, like the crafty lawyer he was, got Flanagan to hesitantly agree that “it is entirely proper that the Federal Theatre produce plays for the purpose of bringing out some idea that is a heated issue at a particular time,” he had no difficulty luring her into sliding down the hill.

<table>
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<th>Dies</th>
<th>What is the objective of the play...take the play Power—that public ownership is a good thing?</th>
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<td>Flanagan</td>
<td>I think it...does speak highly for the public ownership of power.</td>
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<tr>
<td>Dies</td>
<td>...but do you not think it improper that the Federal Theatre, using the taxpayer’s money, should present a play to the audience which champions one side of the controversy?</td>
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<tr>
<td>Flanagan</td>
<td>No, Congressman Dies; I do not consider it improper....</td>
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69 Hearings, Testimony of Hallie Flanagan, pp. 2860-2862; Flanagan, Arena, pp. 72-73.
70 Hearings, Testimony of Hallie Flanagan, pp. 2869-2878.
Dies...having established that precedent of public ownership of utilities, then, how could you stop where plays are presented to your Policy Board dealing with the ownership of railroads, dealing with the ownership of land and with other matters? Would it not be the same principle involved?

Flanagan I told you over and over again that the basic principle is is it a good play, authentic material.

Dies What did you say?

Flanagan Is it a good play.

Dies Then...if [a play] proved that the public ownership of railroads was a good thing you would do it...would you not?

Flanagan Absolutely, and the test is is it a good play and within the range and general variety we have already established.

Dies And if someone came with a play showing the public ownership of all the property in the United States, and it was a good play, you would also exhibit that, would you not?

Flanagan Well, that is a very clever move on your part to maneuver me into a certain position.

Dies I do not pretend to any cleverness. I would not undertake to match my cleverness with you on this subject because you are thoroughly acquainted with it.

Flanagan No; I would not because that would be recommending the overthrow of the United States government....

Dies In other words, you would favor doing it by degrees, but not all at once, isn't that right? 71

The Committee was so intent on quizzing Flanagan about the nature of theatre and the propaganda content of Federal Theatre plays, that it essentially ignored some of the most serious charges made by Hazel Huffman and the other previous witnesses. The subject of the Workers' Alliance, for example, was only addressed briefly. Flanagan informed the Committee that only a small percentage of employees on the New York Project were members of this allegedly Communist union. This was because Actor's Equity had forbidden its members from joining the Alliance, and the other unions had followed suit. This

71 ibid., pp. 2869-2878.
was the extent of the discussion on the Alliance. To find Flanagan's thoughts on
the influence of the Alliance in the Federal Theatre, requires searching outside of
Committee testimony.72

Discussing the Worker's Alliance in her memoirs, Flanagan agreed with
Huffman and the other Dies Committee witnesses that what was at issue was a
dispute between the Alliance and the older, established unions. For Flanagan,
the conflict behind the scenes was a "drama more stirring than any which ever
reached our stage." The story of the Federal Theatre, she wrote, could only be
understood against the backdrop of the competition of old versus new union.
The combatants were "several thousand people who had gone through a terrific
struggle and who would go to any lengths to keep from going back to the food
baskets of relief." This being the case, Flanagan implied that the older unions
were a little too late to the game. According to Flanagan, the Worker's Alliance
grew in power because of the attitude of the older unions, particularly Actor's
Equity, which disdainfully regarded the Federal Theatre as a charitable
organization. The result was that Equity was slower to react to the needs and
problems of its members on the Project. Since Equity did not consider the FTP
to be a real theatre, it simply did not care. For this reason, when the Project
created the Supervisor's Council to provide a forum for unions to present their
grievances, Actor's Equity and some of the older unions were slow to avail

72 Ibid., pp. 2868.
themselves of this process. The older unions, in essence, ceded this ground to the Worker's Alliance out of a lack of interest in the Project.73

As for the strikes and picketing referred to by the earlier witnesses, these were aimed at the usual grievances: general WPA rulings, personnel reductions, and wage cuts. A major cause of labor trouble, for example, was the deep budget cuts the program suffered in the summer of 1937. Flanagan maintained, however, that similar labor actions took place in other WPA projects, but because "personalities in the arts projects were more spectacular, and, since they were part of new government ventures, [they] received more press comment." Although she did not directly address the charges made by Huffman and the others, by identifying the cause of the strikes as ordinary labor disputes, she indirectly denied the allegation that the Worker's Alliance was stirring up trouble in an attempt to divert attention from the control it wielded over the high numbers of amateurs on the Project.74

That having been said, Flanagan did admit that during the first two years of the Project, the Worker's Alliance cultivated a close relationship to the WPA heads in Washington. It was WPA policy to meet with union representatives. The Worker's Alliance, which was much more active than the older theatre unions, eagerly took advantage of this opportunity. According to Flanagan, the Worker's Alliance often knew of personnel reductions or wage cuts before the Theatre did. But Flanagan denied any knowledge of the Alliance's Communist roots. She also pointed out that while meetings and political activities may have

73 Hallie Flanagan, Arena, p. 59.
been carried out on Project time, they were forbidden. This, of course, is a simple excuse to fall back on. If the Worker’s Alliance was holding meetings or distributing political material on Project time, then FTP supervisors should have taken disciplinary action. Avoiding this issue entirely, Flanagan did not address the related one of favoritism toward Worker’s Alliance members in job assignments.75

Another issue which the Committee neglected was the claim that there were too many amateurs on the Project. When Flanagan discussed the topic in her memoirs, her explanation fell short of directly addressing the accusation. The charge that the Project was filled with amateurs was, she stated, due to the large number of non-theatrical personnel. The Federal Theatre was a large bureaucratic undertaking. Only 50% of the personnel were performers. “Every well-meaning file clerk boasting he was on the theatre project,” Flanagan argued, “unconsciously helped create the impression that he was holding down a job which should be filled by an Equity actor.” This explanation was less than satisfactory, however, since Huffman acknowledged the high number of non-actors when she testified that out of the 4,016 employees on the FTP, only 1,310 were actors. When Huffman complained of amateurs, she was specifically referring to the subset of theatrical personnel.76

The Committee had been eager to hear Flanagan, but only allowed her testimony to occupy one morning. She was told she could return after lunch to

74 ibid., p. 56.
75 ibid., p. 58.
present a closing statement, but was never given the opportunity. As for the Federal Theatre brief, the Committee told Woodward they would decide in executive session whether to include it in the record. Flanagan recalled that they promised her that it would be printed in the transcript. It was not.77

Flanagan’s testimony was not the final word on the Federal Theatre. In January 1939, the Committee submitted its official report to the House of Representatives on its first seven months of investigating un-American propaganda. In it, the Committee observed that it had spent “considerable” time investigating the WPA’s Federal Theatre Project. But for all the time and energy expended on this phase of the investigation, the Committee’s conclusions were circumscribed and perfunctory. As Flanagan later lamented, “six months of sensational charges tapered down to one short paragraph.” The conclusions set out in the Committee report covered only a fraction of the charges made in the hearings. Witnesses who were either FTP employees or former employees, the Committee reported, testified that Communist activities in the form of meetings, the distribution of literature and the posting of material on FTP bulletin boards had taken place on Project time by Project members. The report also cautiously observed that “certain employees” felt compelled to join the Worker’s Alliance union in order to keep their jobs. Finally, it concluded that testimony had convinced it that a large number of FTP employees were either Communists or

77 Hallie Flanagan, Arena, pp. 333, 367.
sympathetic to the Communist Party. The report ignored allegations regarding propaganda in Federal Theatre productions. No reference was made to the underlying issue, whether government has, or should have, the authority to control the content of federally funded art. The section on the Federal Theatre was so abbreviated that Parnell Thomas complained to Dies that considering the amount of testimony the Committee heard, the report should have included more detail on the topic.  

The report’s limited conclusions reflected the Committee’s procedure as described by Dies during the December 1938 hearings. In a belated acknowledgment that the Committee had inconsistently warned witnesses against presenting hearsay and opinion evidence, Dies declared that the Committee had a right to allow this testimony “as all committees that ever investigated any subject in this House have likewise done....” But while the Committee could hear this testimony, it was obligated to base its conclusions only on “direct evidence and the very best testimony that we have in the record.”

Publicly, the Committee was coming under fire for the quality of its witnesses and the recklessness of some of their charges. Privately, even some of the Committee’s members expressed reservations. In December, shortly before the release of the report, Healey told Dies that all “unsupported and

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79 Hearings, Testimony of Ellen Woodward, pp.2731-2732.
uncorroborated...hearsay and opinion evidence" which "impeaches reputation and character should be deleted from the record." Healey wanted to provide to any person against whom an accusation was made the opportunity to appear before the Committee and deny the charge under oath. This was, said Healey, in keeping with the American sense of fairplay." Dies had stated repeatedly during the course of the hearings that he would allow individuals and organizations opportunity to refute any charges against them. But his reply to Healey showed that he was already beginning to hedge. Dies no longer spoke of allowing wronged persons to appear before the Committee in person. Rather, they could write or wire their protest to be printed in the record. 80

At issue in the exchange between Dies and Healey was the reputation of innocent persons named by Committee witnesses. Dies' caution in drafting the Committee report was commendable, but he chose to ignore the damage that could be inflicted in the public hearings. The injury was not imposed by the report, which few read, but in the hearings, which received widespread media coverage. If the Committee allowed a witness to make statements for which he or she had no proof, there was nothing to prevent reporters from repeating the baseless charge in the press. This was particularly true when the accused persons or groups were not allowed to present a defense until significant time had passed. Woodward and Flanagan were forced to wait for four months before being allowed to respond to the allegations against the Federal Theatre. This procedure damaged not only the individuals who were identified, but ultimately

80 Arthur Healey to Martin Dies, December 23, 1938; Dies to Healey, December 21,
the Committee, as well. Individuals suffered injury because despite promises that the Committee would allow them the chance to refute the charges, when they attempted to do so, they were often met with hostility, and the Committee balked at admitting their documentary support into the record. But the Committee also undermined its own credibility by allowing hearsay and opinion evidence to be publicly aired. All of these factors were at work in the handling of charges of Communist activity in the Federal Theatre Project. The fact that the Committee report did not repeat all of the charges leveled by witnesses mattered little since the public perception was shaped during the hearings.

Shortly after the Dies Committee completed its inquiry, a subcommittee of the House Committee on Appropriations chaired by Virginia's Clifton A. Woodrum initiated hearings on malfeasance and mismanagement in the federal arts projects. With pressure on Federal One increasing, Jerre Mangione, the national coordinating editor of the Federal Writer's Project, sought support from Eleanor Roosevelt. Although she was regarded as the projects' "godmother," Mangione quickly realized that Roosevelt could offer little help. When she spoke of the arts projects, he later wrote, it was "reminiscent of the special kind of tenderness that people are likely to express for a dying friend." On June 30, 1939, Congress abolished the Federal Theatre. The other projects continued where states agreed to assume responsibility for their supervision and 25% of their costs. The arts projects attempted to turn their energies to defense work—producing posters

1938, NARA, RG 233, Series 1, Box 2.
and brochures for the military, for example—but by 1943, Congress abolished the remaining projects.\textsuperscript{81}

Flanagan never expressed any bitterness about the congressional battles she fought, choosing instead to take pride in what it represented. “If this first government theatre in our country had been less alive,” she wrote, “it might have lived longer.” The controversy proved to her that theatre “still has power to stir up life and infuse it with fire.” Deriving satisfaction from the fact, as told to her by a senator, that the debate over the Federal Theatre continued in congressional cloakrooms long after its funding had been cut, Flanagan could only remark, “No one fights over dead art....”\textsuperscript{82}

The witnesses who testified before the Dies Committee about Communist influence in Federal One are often described as “crackpots and malcontents with a grudge against the project.” Yet at the same time, it would be a mistake to overlook the strong leftist sentiments of many if not most Federal One employees. Anthony Velonis, a Federal Arts Project employee observed that Federal One “rescued a generation of artists to become productive citizens rather than cynical revolutionaries.” Employing identical logic, others decried the arts projects for coopting the left. “Mass bribery, that’s what WPA is,” said one employee. “Government blackmail. We’d fight, we’d stage riots and revolutions if they didn’t hush us up. We’re all taking hush money.” This left-wing presence sometimes required project administrators to take pre-emptive measures. For

example, the Washington office of the Federal Writer's Project included a “policy editor” whose job was to ensure that writers “stop at describing slums, instead of going on to theorizing about what had caused the slums.”

The hearings on Communist influence in the FTP exhibited the Dies Committee’s most detestable traits: hostile and aggressive toward the Theatre’s defenders and credulous and accepting toward its detractors. Federal One was an easy target in that it had very little congressional support, but ultimately, the Committee harmed itself as much as it did the New Deal. It mattered little that the Committee’s claims of a strong Communist presence in the Federal Theatre were correct because its critics could not see beyond the Committee’s politicking and procedural failings. Worse, the FTP hearings were merely a warm-up. The 1938 midterm were looming, and Dies would not miss this opportunity to flex his committee’s muscles.

In early October 1938, Dies and Harold Mosier traveled to the heart of the automobile industry, Detroit, Michigan, to conduct public hearings on Communist influence and activities in several broad areas. The Detroit witnesses ranged widely over issues that included the recruitment of young men to fight in Spain, the lack of enforcement of immigration laws, Communist activities on the part of public school teachers, the Communist Party’s advocacy of the violent overthrow

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of the government, and the manner in which the Party lured innocent Americans to its cause by lurking behind the scenes in so-called humanitarian or charitable organizations. All of these issues were related, for the Committee was following a simple schema. Once it was understood that "communism was a world-wide revolutionary movement," the Committee asserted in its 1939 report, then it logically followed that Communists would use "every possible tactic, device, maneuver, and intrigue...to gain such an end as the communization of America." Each of the subjects attested to by witnesses revealed what the Committee described as the "boldly open and patiently subtle" methods of the infamous Trojan horse utilized by Communists in their quest for world domination.84

Although the sit-down strikes of 1936-1937 that had rocked the automobile industry had originally been on the agenda, the subcommittee returned to Washington without discussing the subject. But Dies had not abandoned the topic. It was then mid-October and the midterm congressional election campaigns were in full swing. While disclaiming political motivation, Dies chose the period immediately preceding the election to hear from witnesses who claimed that the gubernatorial candidates from three important swing states, each of whom supported the New Deal, had ties to the Communist Party. The 1938 midterm elections provided the Committee with opportunities to prove the level of political damage it was capable of inflicting.

Prior to the New Deal, the Democratic party consisted of a Northern wing, characterized by the urban political machines and Catholic immigrants, and a

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84 Hearings, Testimony of Chester Howe, pp. 1239-1240; Report of the Special
Southern agrarian wing. Not only had the Southern wing been the traditional base of the party since the end of Reconstruction, but Southern Democrats were dominant in Congress. Although there were great differences in the Northern and Southern sections of the party, they were united in their economic conservatism—adhering to a basic set of ideas that included states' rights, decentralization of federal power, and reduction of government expenditures. The stock market crash of 1929 and the subsequent candidacy of Franklin Roosevelt radically changed the policies and composition of the Democratic party. In the face of the Depression, Democrats could no longer cling to their traditional economic conservatism. "This is a new era and conservatism does not fit into it at all," wrote an Illinois Democrat. "We have a lot of Democrats who are prominent in national affairs and who do not seem to know that Thomas Jefferson is dead. The Democratic party cannot be a conservative party, and will not be if Governor Roosevelt is elected. What people are demanding is complete change and I think we are going to get it if the Democrats win." Democrats emerged victorious from the 1932 election boasting a broad coalition of millions of the unemployed, farmers, disaffected middle class, and workers who deserted the Republican party in droves in a rejection of "Hoover and all that he stands for."85

Roosevelt won reelection in a landslide in 1936. While upper and middle class conservatives had lost patience with the New Deal, Roosevelt's support

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remained rock solid among the working class, including Anglo-Saxon Protestants who had traditionally voted Republican. The African-American vote, which Roosevelt had begun to woo away from the party of Lincoln in 1932, was even more strongly Democratic in 1936. Democrats also exhibited increased strength among farmers and in northern urban areas, particularly among the lower classes. This newfound support in urban industrial areas diminished the dominance of the Southern wing of the Democratic party. Whereas the South had once claimed the majority position in the minority party, it had now become the minority position in the majority party. As Southern dominance diminished, the seeds of a future split were laid. The broad coalition that Roosevelt oversaw in 1936 would prove to be "too wide and heterogeneous to remain stable during a period of rapid change."86

As the 1938 elections approached, trouble was visible among the variegated groups that comprised the broad and successful coalition of Roosevelt voters that won in 1932 and 1936. Farmers in the North and Midwest were deserting the New Deal, resenting regulated production, government spending on urban areas, and a radicalization of workers that seemingly threatened private property and law and order. In Minnesota and Wisconsin farmers were abandoning the New Deal-affiliated Farmer-Labor and Progressive parties. The South, the region most loyal to Democrats before 1937, was also showing signs of strain. Voters there balked at the inclusion of blacks in the Democratic party and as beneficiaries of New Deal relief efforts and at the growth

86 Id.
of radicalism in unions as typified by the sit-down strikes. Those strikes were also polarizing opinions in the northern industrial states where they occurred, splitting conservatives from the newer additions to the Democratic party, the progressives, unionists and liberals. In Michigan, the site of most of the radical strikes, the issue was particularly divisive, as also in the other important swing states, Minnesota and California.87

The 1938 midterm elections were particularly important to the President. He hoped to purge Congress of those of its members, including a few Democrats, who were out of step with the New Deal. Prior to the New Deal, many political commentators and politicians perceived few fundamental differences between the Democratic and Republican parties. "The aisles," observed Alabama Congressman Huddleston, "don't mean anything except a good place to walk in and walk out." The New Deal, however, was beginning to transform the Democratic party. Conservative Democrats, like Martin Dies, who supported the New Deal during the worst early months of the crisis, had become uncomfortable with its increasing liberalism. Speculation intensified by the mid-thirties that the American political system was due for a major realignment that would result in two more clearly delineated parties, one conservative and one liberal. The tensions in the New Deal coalition had become almost unbearable by 1938, and the President's active campaign against certain retrograde Democratic candidates was widely considered to be "a nationwide test at the polls." Despite the fact that Roosevelt seemed to be turning on his own kind, the

87 Pechatnov, "The Democratic Party and its Electorate in the Years of the New Deal,"
President's supporters, asserted Congressman Joseph Coffee, were in full agreement with this effort to "smoke these traitors and hypocrites out of their rabbit warrens and scourge the Tories from the Democratic party."88

Criss-crossing the country, denouncing anti-New Deal Democrats and stumping for New Deal advocates, the President engaged in what was, at the time, an unprecedented participation in congressional elections. Roosevelt promised voters that he would reduce the 1940 budget projections, and that because business had improved nationally, higher taxes might not be needed to balance the budget in 1941. Assuming a tough stance on foreign affairs, Roosevelt warned Japan against interfering with American trade in China and, in the face of increasing instability in Europe, reiterated his support for military rearmament in the Air Force and Navy. Administration spokesmen let the press know that if the country needed him, Roosevelt would run for a third term. By keeping this prospect alive, Roosevelt avoided a lame duck status, retained his political viability and dangled his coattails for congressman who supported him. The President warned the Democrats who were reluctant to join in the purge that a party split might enable Republicans to gain victory in 1940, and that it was important for Democrats to stick together at this vital juncture.89

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Resisting his pressures, the Dies Committee turned up the rhetoric in its political contest against the New Deal. On October 8, Dies suggested that the President order an investigation into government officials and employees with Communist or fascist ties. Any actions to expose and capture foreign spies, Dies asserted, would be useless unless "we...clean out the government first." Dies claimed to have evidence of government officials with Communist connections and believed that ties to fascists might also be found. In an October 15 radio address, Parnell Thomas seconded Dies' statement that the federal government was rife with Communists. "If such an infection only existed in one or two of our Federal agencies today, we might laugh it off by just charging it up to bad manners," warned Thomas, "but unfortunately it seems to be much more prevalent than we ever dreamed of. Witness after witness has paraded before the Dies Committee, pointing out the prevalence of communism in government agency after government agency." But for Thomas, the existence of Communists in the employ of government was not the only problem. The real issue was "New Dealism," which he labeled one of the "four horsemen of autocracy," along with fascism, nazism and Bolshevism. "Wittingly or unwittingly," said Thomas, "the New Deal masterminds have pawned themselves out to the Communist strategists until now they are so far out on the limb it is practically impossible for them to get back." 90

The Committee did not limit itself to rhetoric. Although Dies had promised that his investigation would avoid partisan politics, the Committee chose the

90 "Wants Roosevelt Inquiry," *New York Times*, October 9, 1938; "New Deal Is Held
month before the midterm elections to devote its hearings to the un-Americanism of candidates in Minnesota, California and Michigan—the three swing states in the upcoming elections. On October 17, seven witnesses attested to Communist influence in Minnesota's labor movement and the pro-New Deal Farmer-Labor Party. Before calling the witnesses, Dies, sitting as a subcommittee of one, announced that he would not allow the hearings to be used as a "sounding board" to air political or labor disputes in Minnesota. Unless the testimony addressed "clear and unmistakable evidence as to communistic activities," he was not interested. At the same time, however, Dies was clear that he would not "let expediency or any other matter keep us from having a full disclosure of the facts." "Wherever communism goes," he concluded, "that is where we are going."91

The first of the two main witnesses was Steve Gadler, a St. Paul consulting engineer who promised that he would illustrate how the Communist Party had "come in and taken over, or tried to take over" Minnesota's Farmer-Labor Party. Quoting from CPUSA leader Earl Browder, Gadler asserted that the Communist goal was to infiltrate organizations like the Farmer-Labor Party in order to "educate the masses and lead them toward the Communist program." In this effort, they were aided by Farmer-Laborite Governor Elmer Benson, whom Gadler directly accused of having Communist ties. Among the evidence Gadler proffered to prove this assertion was Benson's failure to repudiate the Communist Party endorsement of his re-election bid, and photographs of Benson

participating in a "Communist parade" in New York in 1937. Gadler quickly clarified his statement, however, by acknowledging that the parade was sponsored by the American League for Peace and Democracy. But to the witness (and Dies) the League was a Communist front, and Benson's participation was the equivalent of marching in a Communist parade.\footnote{\textit{Hearings}, Testimony of Steve Gadler, p. 1359.}

Gadler had attended the Duluth Convention of the Farmer-Labor Association in March 1938, where he witnessed first-hand the Communist strategy to seize control of the proceedings. "At this convention all opposition to the Communist's tactics was bottled up," he alleged. "and all resolutions that were presented to the resolution committee demanding action against the Communists were not allowed to be brought to the floor of the convention." Gadler asserted that it was a "common understanding" that Communists were not to be interfered with "on orders of the Governor." High ranking officials from the state's Communist Party sat in the balcony, he maintained, "giving orders to the delegates to carry out instructions from Moscow." Moreover, Communists were claiming that after Benson's re-election they would quickly assume prominent positions in both state and Farmer-Labor politics. While denying that he had any direct information that Benson was a Communist, Gadler stated that the Governor was so sympathetic to Communism that he had to be restrained

\footnote{\textit{Hearings}, Testimony of Steve Gadler, pp. 1363, 1369-1370.}
from physically assaulting a man distributing anti-Communist leaflets at the door to the convention.93

The second major witness was Albert Kittock, a Farmer-Labor Association member who was also a self-professed former Communist Party member. Like Gadler, he alleged that Communists hoped to gain control of Minnesota’s pro-New Deal Farmer-Labor Party. Kittock testified that the Comintern Congress of 1935 singled-out Minnesota as a place where its ideas might gain a foothold because “destructive communistic ideas and theories could be easily woven into the liberal and progressive policies of the Farmer-Labor Association.” This was an area in which the Communist Party could engage in its “Trojan horse” tactics of secretly infiltrating a civic or political organization and subverting it to the Communist cause. Kittock described the process by which Communist Party members determined who would be the Farmer-Labor candidates for office. Communists first met secretly to determine which candidate they would support—a Party member, of course. Then, since they controlled the Farmer-Labor nominating committees, they easily secured the nomination of their chosen candidate. “The Communist steamroller worked to perfection,” Kittock concluded. Successfully implementing this technique, the Party had ensured that

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93 Hearings, Testimony of Steve Gadler, pp. 1372-1373; “Dies Witness Links Benson With Reds,” New York Times, October 18, 1938, p. 11. Gadler offered no evidence regarding any of his statements about the Duluth Convention. The Committee failed to ask him how he knew that the resolution committee refused to allow anti-Communist resolutions brought to the floor. The assertion that it was “common understanding” that Communists were not to be interfered with on orders from the governor was hearsay if offered to prove the truth of the matter asserted—that the governor had issued such an order. Similarly, Gadler did not state how he knew that CP officials sat in the balcony giving orders or that the governor had to be restrained from attacking a man distributing anti-Communist leaflets. Id.
the 1937 Farmer-Labor candidates for Minneapolis mayor and alderman were Communists. At present, Kittock continued, the Communist Party was running two candidates for the state senate, both of whom were endorsed by the Farmer-Labor party.94

Further witnesses confirmed this testimony, which came one month before a tightly contested election between Benson and Republican Harold Stassen. Dies denied that he was actually engaging in a political attack on Benson, although he acknowledged that some observers might believe this testimony was politically motivated. He asked Gadler whether he had supported Benson during the primaries. Gadler answered that he had supported Hjalmar Peterson, the leader of the Farmer-Labor right-wing. "Does the fact that you had a disagreement with Governor Benson and the present leaders of the Farmer-Labor Party color or bias your testimony before this committee?" Dies asked. "No, sir," replied Gadler. "I have been a member of the [Farmer-Labor] party for eight years, and it almost makes me cry to see what has happened to it."95

The allegations made by Gadler, Kittock and other witnesses were essentially correct. In 1935, Earl Browder had cut a deal with then-Minnesota Governor Floyd Olson in which he promised Communist electoral support in exchange for an easing of restrictions on Communists joining the Farmer-Labor Party. The Communist Party, which had previously run its own candidates for office in opposition to the FLP, now ceased its independent activity and quickly

95 Hearings, Testimony of Steve Gadler, pp. 1381-1382.
began to establish its members within the other party. Communists ran for office on the Farmer-Labor ticket. When Olson died in August 1936, the CP maintained a close relationship with his successor, Benson. Despite the relative accuracy of the charges, the timing of their public airing justifies suspicions. Testifying the next day, Tom Davis, the Farmer-Labor candidate for attorney general in 1918, defended his party and Governor Benson. Pointedly excluding the Committee from his criticisms, he questioned the motives of the previous witnesses, particularly in light of the fact that their testimony came “at a time when it can be done and is being used for political effect only.” Their testimony had the desired effect, Davis noted, for that morning Minneapolis newspapers carried headlines accusing Benson of Communist sympathies and connections. While admitting that Communists had attempted to control the Farmer-Labor party, Davis claimed that they had “failed miserably.” He also noted that Benson had publicly condemned communism and avidly supported the New Deal. The previous testimony was nothing more than “a red herring drawn across the political trail in Minnesota.” In response to Dies’ promise that anyone implicated during the hearings would be offered a fair chance to reply, Davis further noted that:

...this committee fully realizes that in the closing hours of a bitter and hard-fought campaign these men cannot leave the field of battle and come here and denounce a most vicious kind of political propaganda.96

Although continuing to deny political motivation, in late October Dies approved a subcommittee, Mosier and Starnes, to travel to California to follow up on testimony about Communist activity by American Legionnaire Harper Knowles, chairman of the Legion's Radical Research Committee, and his attorney Ray E. Nimmo. Knowles and Nimmo had spent several days presenting the fruits of their research into un-American activities in California to the Committee. The bulk of their testimony, which is featured in a subsequent chapter, centered on Communist infiltration in the California labor movement, and, in particular, the activities of Harry Bridges and the failure of the government to deport him. Knowles and Nimmo also accused three Democratic candidates of having Communist ties. Gubernatorial candidate Culbert Olson, they claimed, "fraternizes with and accepts the program of the strategy committee of the Communist party." Ellis Patterson, the candidate for lieutenant governor, was a Communist Party member, and U.S. Senate candidate Sheridan Downey "was a running mate of Communist Upton Sinclair in 1934."97

Proof of Olson's Communist connections centered primarily on his association with Labor's Non-Partisan League. While acknowledging that the League was not under the "complete control" of the Communist Party, the witnesses insisted that Communists controlled the California branch of the League. With no offer of proof, Knowles and Nimmo claimed that Olson had secretly met with the "strategy committee" of the Communist Party. It had promised him that the Party would implement the Non-Partisan League's program which included support for Olson's bid for governor. Other evidence of Olson's Communist ties included his speeches to alleged Communist fronts, the American League Against War and Fascism (the forerunner of the American

League For Peace and Democracy), the Anti-Nazi League, and the International Worker’s Order, and his position as “delegate-at-large on the Upton Sinclair slate in the May presidential primaries.”

As was the case with Elmer Benson, some of the witnesses’ claims, whether or not supported by actual evidence, were essentially correct. Communists were active in California Democratic politics and Olson sought their support during his campaign. After he was elected, Communists continued to play an active role in the state’s Democratic politics and worked closely with members of his administration.

Regardless of whether the Committee’s claims were accurate, its investigation to date appeared to be little more than a smear of the New Deal. By attempting to influence the outcome of the 1938 mid-term elections, Dies seemingly no longer felt the need even to pretend that his investigation was about anything other than partisan politics. But Benson and Olson were small fish compared to Dies’ final target before the mid-term elections. He would next play a role in defeating one of the President’s closest friends and political allies.

98 Hearings, Testimony of Knowles and Nimmo, pp. 2033-2036.
Chapter 4
“The Hell with the Governor”: Frank Murphy and Communist Involvement in the Sit-Down Strikes of 1936-1937

Dies: From what you know, and the information you got from seeing well-known Communists at the scene, would you say that this would ever have occurred if it had not been for the instigation and active leadership of the Communists?

Barringer: No; it would not have occurred. And I can further answer that question—that it would not have developed so seriously if it had not been for... Governor Murphy’s treasonable action.1

In his continued assault on the pro-New Deal candidates in the 1938 midterm elections, Dies also seized on an opportunity to settle some old scores. The CIO-led sit-down strikes of 1936-1937 had played a major role in splitting Dies from the New Deal coalition. In late October, the Committee set out to prove that the strikes were instigated by Communist agitators. In the course of this phase of the investigation, the Committee launched its most virulent assault to date on the prominent Democrat, Roosevelt’s friend, Michigan Governor Frank Murphy.

As the name implies, in a sit-down strike laborers occupy their factories or offices and refuse to work or to leave. The sit-downs that broke out in 1936 peaked in 1937, when 398,117 workers participated in 477 strikes. The most successful were the strikes at plants and shops owned by the General Motors Corporation in Detroit and Flint, Michigan. After strikers forced GM to recognize the United Auto Workers as a bargaining agent for its workers, a wave of sit-downs had followed. They proved particularly effective in mass production

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1 Hearings, Testimony of John M. Barringer, p. 1689.
industries such as rubber and steel. Sit-downs were also used by janitors, garbage collectors, and Woolworth girls. Dies believed that Roosevelt's inaction in the face of these strikes was inexcusable, and they marked the end of his support for the New Deal. "Until 1937," Dies later recalled, "the President and I were the closest of friends."²

Dies was not the only member of Congress to condemn the strikes. Because the action required workers to invade and establish control over the employer's private property, many congressmen equated sit-downs with lawlessness. The success of the strikes contributed to the rapid growth of the CIO. It increased unionization in the auto and other mass production industries, a result spurring the harsh congressional reaction. Of particular concern to members of Congress were the 1937 GM strikes in Flint and Detroit. Few congressmen spoke out against the GM strike in the beginning, but as it dragged on they became increasingly frustrated and condemnations began. The failure of either the federal or state governments to intervene proved to be particularly infuriating. The President was viewed as siding with the rebellious workers against property owners. Adding to congressional hostility over the 1937 strikes was the President's recent attempt to pack the Supreme Court. The sit-downs were often rhetorically linked to the court-packing plan and offered as evidence that between the assault on property and the assault on the constitutional order, the President was threatening the nation's foundations.³

Dies led congressional opposition to the sit-down strikes. According to his recollection, as the strikes were peaking in the spring of 1937, Vice President John Nance Garner asked Roosevelt to support a congressional resolution to condemn and investigate the strikes. Although fearful of alienating his labor allies, the President reluctantly agreed, and suggested that Dies introduce the resolution in the Rules Committee, of which he was a member. Dies introduced a resolution seeking a special committee to investigate the strikes on March 23, 1937, and won his colleagues’ support by assuring them it had the backing of the President. But after the resolution emerged from committee on April 2, Garner phoned Dies to inform him that “That two-faced, cowardly President has reneged on his promise to support your resolution.” The President claimed he was heeding the request of Michigan Governor Frank Murphy, who feared that an investigation would incite labor violence in his state. Roosevelt did not merely withdraw support, however, he actively lobbied against the measure, dooming the resolution to failure. Infuriated, Garner and Dies joined the larger exodus of Southern Congressmen away from the New Deal. Because Dies was one of the first congressmen to denounce the sit-down strikes and played a key role in slowing down passage of the Wages and Hour bill, he earned a reputation as a leader of the New Deal opposition. Dies did not forget this scuffle over the sit-down strikes and the White House maneuvering would soon come back to haunt both Roosevelt and Murphy.4

By investigating Communist influence in the sit-down strikes, Dies had an opportunity to retaliate for Roosevelt's reversal on the Dies-Garner resolution. Despite the suspicious timing of the sit-down strike inquiry, Dies denied that the Committee's intent was political, claiming that his investigation was interested in neither politics nor labor disputes. Dies would surely have inquired into the sit-down strikes regardless of Michigan electoral politics. He believed that this type of job action was an affront to private property and law and order. Moreover, the Committee repeatedly asserted that the penetration of labor unions was a key step in Communist plans for revolution. A 1924 statement of the United Mine Workers of America that was featured prominently in the Committee's 1939 Report confirmed this belief. According to the UMW, the Communist goal was "the seizure of all labor unions through a process of boring from within them, and utilizing them as a strategic instrument in fulfillment of their revolutionary designs upon organized and constitutional government." This had been a frequent theme since the August hearings. What made the sit-down strikes seem so frightening was that this strategy was apparently succeeding. Communists had gained control of the United Auto Workers, introduced the sit-down technique, and through its unremitting agitation, managed to spark violent outbreaks which civil authorities failed to control. Worse, the forces of law and order were constrained by Michigan's chief executive, who seemed to sympathize with the agitators. Dies was not out simply to inflict damage on New Dealers. He was after communism. If he brought down the UAW, the CIO, and Frank Murphy in the process, that was an added benefit.5

To tell the story of the sit-down strikes, the Committee brought to Washington several of the same witnesses who had appeared in the Detroit

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hearings at the beginning of October and over a dozen new witnesses. Committeemen believed that the sit-down strike technique was a mere symptom of a larger problem, the Communist domination of the labor movement. The Committee, therefore, often asked witnesses to begin their testimony by addressing the more general problem before moving into the specifics of the labor unrest in Michigan in 1936-1937. Where the witnesses were attesting to events in which they had participated, their testimony could not be faulted. But where they discussed Communist infiltration into the labor movement generally, deep faults surfaced. Witnesses generalized, drew conclusions, and substituted speculation for evidence.

Clyde Morrow, the first witness, was an American Legionnaire who had joined the Communist Party and the Trade Union Unity League (TUUL) in order surreptitiously to gather information. Morrow provided a strong, first-hand account of labor tactics within the union. The TUUL was a dual union with an openly revolutionary intent, established by the Communist Party to operate in competition with mainstream labor organizations. It was, therefore, not surprising when Morrow testified that the leadership in the Auto Workers' Union, a TUUL affiliate, was Communist. He described their techniques to gain control of the organization. When necessary to generate enthusiasm for a strike, Morrow stated, the union leaders, by which he meant Communists, spread rumors that

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6The Trade Union Unity League was the American section of the Red International of Labor Unions, founded in Cleveland in 1929. The TUUL was the successor to the Trade Union Educational League (TUEL), founded in 1920 and disbanded in 1929. The goal of the TUEL was to work within the labor movement to organize the activities of left-wing unionists. In 1928, believing that the revolution was eminent, the Comintern ordered all party members to abandon this boring from within strategy and focus on dual unionism, that is, forming separate unions with revolutionary intent. When the Comintern changed directions again in 1934, moving into the Popular Front era, the TUUL was dissolved. Many former TUUL leaders moved back into the mainstream labor movement playing an important part in the formation of the CIO. Harvey A. Levenstein, *Communism, Anticommunism, and the CIO* (Westport: Greenwood Press, 1981), pp. 6-26.
the employer was calling in scabs and strikebreakers to reopen the plant. Any opposition within the union was also dealt with by spreading rumors.

Frank Knox, a former president of the United Auto Workers (UAW) Local 212, described Communist infiltration of his local and the entire UAW. Knox's personal story reinforced what Morrow described. Knox testified that he had been pressured to join the Communist Party, but refused. For this reason, Communists "set about a campaign of lies and libel" to force him out as president of the local. Knox said his enemies utilized "the most vicious lies in the world," although the only specific rumor he mentioned was that he carried a pistol. He was, nevertheless, forced out. As his local became increasingly dominated by radicals, membership declined. Knox estimated that membership had dropped from 24,000 to less than 10,000.7

Knox raised a crucial question. How much did the rank and file understand about who or what was controlling their unions? Morrow argued that the rank and file of most unions were anti-Communist, but were dupes of Communists who, conversely, did not control unions by earning the allegiance of the rank and file, but by capturing key positions. According to Fred Frahm, Superintendent of the Detroit Police Department, some rank and file union members understood the role played by Communists. But others did not. He added that based on the frequency of strikes, many workers were beginning to

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7Hearings, Testimony of Clyde Morrow, pp. 1487-1489, 1491-1492; Testimony of Frank Knox, pp. 1517-1522, 1524, 1536. Knox, like most witnesses before the Committee, also engaged in the requisite naming of names of Communists within the UAW. Although sometimes the Committee insisted that witnesses name only those for whom there was definite evidence of Party membership, such a statement of proof was not required of Knox, although he would, on occasion provide the proof voluntarily. At other times, however, in response to questions from Dies as to whether certain individuals were Communists, the witness replied, "Yes sir; but he will not admit it," and "I am almost certain he is." Although Dies often argued that this type of information was not used as a basis for the Committee's conclusions, that was cold comfort to those named. Testimony of Frank Knox, pp. 1522-1523.
realize that "something [was] wrong." Like Knox, Frahm asserted that union membership was declining but, also like Knox, he had no evidence to prove his claim.  

One way in which Communists had managed to capture control of the UAW, witnesses claimed, was through the training provided by workers' schools, the best known of which was the Brookwood Labor College. Workers' schools gave instruction in "communistic organizing methods" based on the ideas of Marx and Lenin. The wave of unionization spurred by passage of the National Industrial Recovery Act's Section 7(a) had caught organized labor off-guard. Lacking enough experienced organizers to meet the sudden demand, the CIO was forced to rely on individuals who had been trained at workers' schools. Among UAW leadership, witnesses avowed, were former workers' school instructors, Communist leaders who had trained in these schools and were no friend to workers. Their goal was less to win a strike than to engage in one. The sit-down strikes, for example, had been instigated by Communists not to gain

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8 *Hearings*, Testimony of Clyde Morrow, pp. 1497, 1501; Testimony of Fred Frahm, pp. 1605.

9 Founded by James Maurer of the Pennsylvania Federation of Labor, John Fitzpatrick of the Chicago Federation of Labor, Fannie Cohn of the International Ladies Garment Workers Union, John Dewey and A.J. Muste, the Brookwood Labor College, according to Muste, sought to "contribute to the development of a trade union, political and cultural movement adapted to the American scene and to contribute to the achievement of a democratic society." Muste freely admitted that the college "did not make any pretense of being neutral." The faculty and administration were "progressives or radicals." He also acknowledged that the college was "influenced by Marxist thought," but denied that it was under the control of any party. Since the college accepted all workers, at any given time there were students whose politics ranged from conservative trade unionism to Communist Party members. The conservative ALF warned its members away from Brookwood for fear they would come "under its dangerous radical influence," but Muste, making a case for Brookwood's integrity, noted that the Communist Young Workers' League also warned its members to stay away from the school. A.J. Muste, "My Experience in the Labor and Radical Struggles of the Thirties," in *As We Saw the Thirties*, Rita James Simon, ed. (Urbana: University of Illinois Press, 1967), pp 129-130; see also, Charles F. Howlett, *Brookwood Labor College and the Struggle for Peace and Social Justice in America* (Lewiston: Edwin Mellen Press, 1993).
union recognition or other labor-related issues, but to prepare workers "for the struggle." As Knox explained, "They wanted us to be veterans of the struggle and strife." Melvin Kells agreed, noting that the TUUL goal in the strike at the Briggs Manufacturing Company in 1933, was to "create a struggle amongst the men." The TUUL wanted to build the union and if they could not then control it, they were content to destroy it. Even if a particular strike was lost, the workers would learn, Kells recalled a union leader stating, that "we showed them the struggle and the necessity for fighting capitalists in order to create a mass movement for the overthrow of our government." 10

Following this spadework, the Committee concentrated on the details of the sit-down strikes. Two types of sit-downs had developed. The first was a short work stoppage of a few minutes, a few hours, or an entire shift, while the union and management negotiated specific grievances. The second involved longer stoppages in which some or all of the workers remained in the factory overnight or for longer periods of time. This latter type of sit-down, usually referred to as a stay-in, was utilized in Michigan in 1936 and 1937. One of the benefits of the sit-down strike was that it enabled a small number of workers to close an entire factory by shutting down production in a few important departments. Likewise, by stopping work in a few key factories that produced parts used by other plants, workers could halt production of an entire company. Another benefit was that as long as workers occupied the plant, no replacement workers could be called in to continue production. The hiring of "scab" replacements allowed employers to maintain profits during a strike and gave owners tremendous advantages over strikers who had to go without paychecks. To strikers, the factory was a natural fortress. Remaining inside protected them

10 Hearings, Testimony of Melvin Kells, pp. 1544-1545, 1543; Testimony of Frank Knox, pp. 1533
from hired strikebreakers or arrest by local police. Attempts at ejecting strikers forcibly from a plant placed the employer in the position of the aggressor, which further cemented workers' solidarity, and also risked damage to the machines.  

Although short sit-downs occurred during the early Depression years, only in 1936 did the public take notice. Forty-eight sit-down strikes marked 1936. Almost half continued for more than twenty-four hours. But it was the striking rubber workers at the Goodyear Tire and Rubber Company in Akron, Ohio in February and March 1936, that galvanized public attention. The sit-down began spontaneously, but the strikers were soon supported by the United Rubber Workers (URW) and the CIO. The URW formed pickets outside the plant, and the CIO provided organizers and funds. Although it did not realize its major demands including the designation of the URW as the workers' exclusive bargaining agent, the ranks of the URW multiplied, and the CIO, which was then still a fledgling organization, claimed its first victory.  

News of mass sit-down strikes in France begun spontaneously by French workers, came on the heels of the Goodyear strike in the spring of 1936, and were the next major step in the development of the technique. The French strikers were soon aided by the recently reunified labor movement, the Confederation Generale du Travail (CGT). Employers in the metal industries had proved particularly intransigent about collective bargaining. The 1936 French strikes were primarily about strengthening the bargaining position of the workers. Beginning May 8, the strikes spread widely throughout France. By June, 1.9 million workers were on strike, with three quarters of those being sit-downs. On June 5, Leon Blum became France's first Socialist premier. Asked to settle the

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strike by an employers' association, Blum acknowledged that the strikes violated French civil law but refused to force workers from the factories. Blum brokered the legislation recognizing the right of French workers to bargain collectively. Although the French press and the Dies Committee would make much of Communist involvement in the French strikes, scholar Sidney Fine would conclude that they "were without revolutionary intent," and in fact, that French Communists opposed the strikes as a threat to the newly elected Popular Front government.\textsuperscript{13}

The examples of the Goodyear and French sit-down strikes energized the struggling UAW, a small, weak, but militant union that sided with the CIO when the latter split from the AFL in 1936. The UAW claimed only a handful of strong locals, and none in Michigan. In 1935, national membership numbered only approximately 25,000, in Michigan a paltry 3,600. The Big Three car manufacturers, GM, Chrysler, and Ford, had successfully prevented any union from gaining a foothold in their Michigan factories. And the UAW membership was faced with competition from other unions equal to it in size. Although the National Labor Relations Act had created a procedure for determining which union would be designated as the exclusive bargaining representative, until the Supreme Court ruled on the constitutionality of the act most employers insisted that a union could bargain only on behalf of its members. Becoming the exclusive bargaining representative for auto workers would become the UAW's primary goal.\textsuperscript{14}

The first sit-down strikes involving the UAW occurred in November 1936 at the Bendix Products Corporation in Indiana. This was quickly followed by a sit-

\textsuperscript{13}Fine, \textit{Sit-Down}, pp. 125-127.

down at the Midland Steel Products Company in Detroit. Residents of Detroit witnessed a rash of sit-downs the next month, including four that affected the automobile industry. The most important was the Kelsey-Hayes plant which produced wheels and brakes. During the Kelsey-Hayes strike, three strike leaders rose to prominence who would later organize the strike at Flint: Walter and Victor Reuther and Merlin D. Bishop. Although it would learn a great deal about how to organize and coordinate a sit-down strike from these early experiences, the fledgling UAW exercised little control over its locals at this time, and had played no role in calling the strikes. They could claim small victories in these sit-downs but the UAW was looking for a big score against one of the Big Three. Because auto workers had shown little interest in organizing up to this point, the UAW believed that nothing short of a knock-out blow would deliver workers into its ranks.15

UAW president Homer Martin announced in September 1936, that his organization had chosen to make its stand for union recognition against General Motors. But before the UAW could determine what steps to take, in November one of its locals at the Atlanta Fisher Body plant staged a sit-down strike on its own initiative. Another renegade sit-down began at the Kansas City Fisher Body plant in mid-December. The fact that the UAW could not control its locals about such important matters as when, or if, to launch a strike, reflected the union's weakness. Atlanta was not the UAW's first choice to begin its epic battle against GM. The Atlanta plant was neither big enough nor important enough to be much of a bother to GM, which could simply switch production to other plants. The UAW wanted to target key plants in Cleveland, Detroit and Flint. Three quarters of all GM production depended on parts and bodies produced by the Fisher Body

15Fine, Sit-Down, pp. 128-133.
plants in these cities. Still, once these strikes began the UAW leadership had to support them.\textsuperscript{16}

Once backing these premature strikes which it had not called, UAW president Homer Martin asked for a general conference with GM management. But GM executive vice-president William S. Knudsen refused, stating that all grievances were to be negotiated at the plant level rather than at the corporate level. The UAW, seeking exclusive representation and concerned about a minimum wage, the speed-up, and seniority rights, argued that these issues were national in scope and should not be left for locals to negotiate in each of GM’s sixty-nine plants. Moreover, Knudsen’s insistence on plant-level negotiations was just a ploy given that when the UAW had previously attempted plant-level negotiations in Atlanta and Kansas City, the plant managers had claimed that they had no authority to determine such issues. With the two sides deadlocked, on December 28, 1936, workers at the Cleveland Fisher Body plant sat down. Two days later in Flint, fifty workers, enough to halt production, sat down in Fisher Body plant No. 2. This factory employed roughly one thousand workers and produced 450 Chevrolet bodies per day. That evening, they were joined by workers in Fisher Body No. 1, which employed over seven thousand workers and produced 1,400 Buick bodies per day. Then the strike spread to plants and factories throughout the GM corporation in Michigan, Wisconsin and Indiana.\textsuperscript{17}

Despite this rapid spread, the locus of the sit-down strikes would remain the Flint and Cleveland plants. Because, legally, the strikers were trespassing on


\textsuperscript{17}Fine, \textit{Sit-Down}, pp. 137-144; Howard, \textit{Mr. Justice Murphy}, p. 125. Sit-downs occurred in Ohio, Indiana, St. Louis, and Oakland.
private property, GM initially refused to bargain with the strikers until they had left the premises. GM also obtained an injunction in the Genesee County Circuit Court in Flint ordering workers to leave the plants and cease their picketing. The strikers ignored the injunction, but before action was taken to remove the workers forcibly it was revealed that the judge who issued the injunction, Edward Black, held $219,000 in GM stocks. Embarrassed, GM let the matter drop, eventually transferring the injunction to the court of Judge Paul Gadola. Meanwhile, GM took matters into its own hands. On January 11, 1937, it turned off the heat and water going to Fisher No. 2 and sent company police to oust the strikers. Fighting off the company police then the Flint police, strikers maintained control of the plant in what became known as "The Battle of the Running Bulls." Governor Frank Murphy, who had taken office one week before the strike began, sent the National Guard to Flint to maintain order while attempting to negotiate a truce. 18

A continuing deadlock prompted the UAW to take the offensive in an effort to strengthen its bargaining power. On February 1, the UAW staged a decoy strike in the Chevrolet No. 9 plant. While the company police were busy there, workers took control of Chevrolet No. 4, the GM plant which made Chevy engines. To maintain order, Murphy ordered the National Guard to encircle Chevrolet No. 4 and Fisher No. 2. The next day, Judge Gadola issued an injunction ordering workers to leave the plants and to cease picketing within twenty-four hours. Again the workers ignored the order. Gadola issued a writ of attachment ordering the sheriff of Genesee County to seize the sit-downers, the

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pickets and UAW local officers, and remove them from the plants. The sheriff, in turn, asked Murphy for the assistance of the National Guard.19

The sheriff's request placed Murphy in an awkward position. Murphy believed that the sit-down strike was an illegal seizure of private property, but he also believed in workers' right to organize and bargain collectively. His support for the workers' cause was difficult to maintain in the face of corporate America's massive resistance to the Wagner Act and given the fact that a federal court in Michigan had recently held the Wagner Act unconstitutional. At the same time, Murphy abhorred violence and was determined to prevent any loss of life. The workers occupying the Fisher Body plants had warned Murphy that attempts to storm the plants would result in "a blood bath of unarmed workers." Believing that negotiations were near settlement, Murphy asked GM executives and Judge Gadola to delay enforcing the injunction and he was annoyed by their lack of cooperation. Juggling all sides, Murphy wrote John L. Lewis explaining that once he received the court order he was obligated to enforce it. "As Governor of the State," Murphy wrote, "it is my constitutional duty, in accordance with my oath of office to 'take care that the laws are faithfully executed.' I have no alternative but to perform this duty to the best of my ability." Murphy then informed National Guard units to be prepared to surround the plants to prevent the sheriff and his deputies from entering. Assuring the sheriff that peace was at hand, Murphy asked him to postpone enforcing the writ until after the week-end. The sheriff complied, and the strike was settled on February 11, one week after Gadola's

issuance of the writ. GM granted the UAW partial and temporary recognition as a bargaining agent for its workers in the plants affected.20

The final agreement between GM and the UAW was only for proportional representation, a minimal concession by the former given that the Wagner Act called for the union chosen by the majority of workers to be the workers' exclusive representative. Yet the strike strengthened the UAW and the CIO immeasurably. UAW membership shot to 166,000 within a month of the victory. Over a dozen auto and parts makers signed UAW contracts. By October, the UAW claimed 400,000 members. Strengthening the growing power of the nascent CIO, three weeks after the UAW's victory over GM, United States Steel, rather than suffer a strike, signed a collective bargaining agreement with the Steel Workers Organizing Committee. Following suit, General Electric also quickly signed a union contract. And, meanwhile, the sit-down strike technique swept the country. From the shipping and textile industries to five and dime chains, workers were sitting down on the job to force concessions from their employers.21

While the Michigan strike had been in progress, public, media and political opinions divided over the legality of the sit-down technique and Murphy's handling of the crisis. Murphy's most important champion was Roosevelt. Like Murphy, Roosevelt was committed to collective bargaining, but was wary of trespassing strikers. Murphy's detractors included Michigan Congressman Clare Hoffman who had loudly complained in the House of Representatives about the

"open rebellion" against law and order taking place in Michigan. Republicans in the Michigan state legislature began to talk impeachment, and Vice President Garner, at a cabinet meeting, objected to the President's support for Murphy, who had failed to enforce the law. In the immediate aftermath of the peaceful resolution to the strike, however, Murphy emerged a popular hero. President Roosevelt, Felix Frankfurter, and many New Deal officials and newspapers hailed the Governor's statesmanlike handling of the crisis. *Time* magazine speculated that Murphy might use his role in resolving the sit-down strikes to launch a campaign for the Democratic presidential nomination in 1940. But as the CIO's power grew and sit-down strikes swept factories and drugstores, Murphy's critics grew louder. After the Supreme Court upheld the constitutionality of the Wagner Act in April, a renewed strike wave further frayed the nerves of congressmen who believed the strikes were illegal.22

The Dies Committee heard a variety of witnesses detailing the strike. As Dies saw matters, Roosevelt's machinations had thwarted his attempt to initiate hearings on the sit-down strikes. Now, using his un-American activities committee, he could have his investigation and the President was helpless to stop him. He was forced to walk a fine line, however, since the Committee's mandate was to investigate un-American propaganda, not labor unrest. The Committee's job was not to tell the story of this strike, but to explain the involvement, if any, of the Communist Party. While it may have been necessary to establish a basic factual outline of the strike, much of the testimony the Committee heard was irrelevant to the issue of Communist influence. Law enforcement authorities, participating workers, the usual American Legionnaire

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contingent, and Judge Gadola offered their version of events. While most of these accounts were based on sound eyewitness testimony, when it came time to explicate Communist involvement, witness testimony frequently degenerated into speculation and assertion supported by very little evidence. Ultimately, the Dies Committee’s inquiry on the sit-down strikes uncovered little new information and served only to renew public criticism of Frank Murphy’s management of the crisis in the month prior to his bid for re-election.

The testimony of Edwin H. Hughes, captain of the Flint, Michigan Police Department, typified the Committee’s failure to establish consistent evidentiary rules and to restrain its witnesses sufficiently. Hughes’ testimony was unobjectionable when it focused on events which he personally observed, but when he ventured into a discussion of Communist influence on the strike he resorted to unsubstantiated speculations. Although Hughes generally refrained from drawing conclusions or engaging in excessive speculation, when he did lapse into conjecture, the Committee did not appear to notice. More importantly, as with most witnesses during the investigation’s first year, the Committee exercised little control over Hughes’ testimony. Whether or not Hughes’ testimony complied with generally accepted rules of evidence was entirely up to him. Regardless of its public pronouncements that it would “maintain throughout the course of the hearings a judicial attitude,” the Committee failed to establish evidentiary and procedural standards and to object consistently to testimony that suffered from defects.

Hughes began by discussing the Flint transportation strike that began six weeks prior to the December 1936 sit-down strikes. For a time, the two strikes ran simultaneously. It was during the former strike that Roy and Victor Reuther first came to Hughes’ attention. The brothers, radical labor activists, also played a large role in the sit-down strikes, particularly by manning sound trucks in order
to exhort strikers. Hughes was among several witnesses who had personally witnessed and heard the Reuthers speak from the sound car.\textsuperscript{23}

The main portion of Hughes' testimony entailed a description of the "Battle of the Running Bulls." On January 11, 1937, Hughes was ordered to investigate a disturbance at Fisher Body No. 2 in which the plant doors had been forcibly opened, the company guards chased off, and strikers had gained control of the factory. After arriving at the scene, Hughes observed Victor Reuther in a sound truck speaking to a crowd that Hughes guessed was between 100 and 150 people. Hughes went to inspect the factory doors where he verified that workers did control the entrance. While he was doing this, violence between strikers and police exploded in the street. The tumult erupted so quickly, said Hughes, that it "would be difficult to tell you all of the angles involved there." Bricks, stones, milk bottles and auto hinges rained down on police. Hughes estimated that the crowd quickly grew in size to thousand people. The police responded first with tear gas, then when that was gone, with bullets. In the end, fourteen officers and, Hughes believed, an equal number of civilians were hospitalized. During the melee, Victor Reuther provoked the crowd from the sound truck, telling them "if there were any more strikers injured to go in and tear up the plant, and also if they would go home and get their guns and make an attack they would give the police what they deserved."\textsuperscript{24}

To this point, there was nothing objectionable in the witness’ testimony. Rules of evidence require that for a lay witness to attest to a fact "which can be perceived by the senses," he must have had "an opportunity to observe, and must have actually observed the fact." These rules do not require absolute precision by the witness. In a courtroom, it would not have been a ground for

\textsuperscript{23} \textit{Hearings}, Testimony of Edwin H. Hughes, pp. 1642-1644.
\textsuperscript{24} \textit{Ibid.}, pp. 1644-1645.
objection if the witness spoke from "inattentive observation or an unsure memory." This was particularly true in the case of peripheral matters. In a courtroom, therefore, no objection would have been raised regarding Hughes' uncertainty whether the number of injured civilians equaled the number of injured police. Similarly, courts allowed opinions on the grounds of "expediency" and "convenience." For example, a witness could speculate about a person's age or the speed at which a car was traveling. The witness was required only to "have personal knowledge of matter forming the basis of testimony of opinion," and that "the testimony...be based rationally on the witness' perception." Hughes' crowd estimates would, therefore, have been unobjectionable.25

Hughes generally resisted the temptation to assert his own beliefs when he lacked evidence to prove a claim. When asked whether he saw any Communists in the crowd during the Battle of the Running Bulls, for example, Hughes replied, "Only by what I have heard. I have reason to believe that it is true, but I have no definite proof in the form of knowing that they are actually members." Hughes then gave the Committee the names of some of the individuals whom he recognized participating in the riot, but he made no claims regarding their links to the Communist Party.26

But on an issue that greatly interested the Committee—the presence in Flint of outside agitators—Hughes based part of his testimony on hearsay evidence. The only evidentiary rule with which the Committee claimed consistently to comply was the hearsay prohibition. Nevertheless, it failed to object when Hughes' testimony suffered from this defect. Hughes said that on the night of the Battle of the Running Bulls he had copied the numbers from the


out-of-state license plates on automobiles he saw parked on the streets in Flint. Most of the vehicles came from Indiana and Ohio. This testimony would have been sufficient had Hughes not added that he was also aware of the presence of outside agitators due to "information reaching me from inside the shop at the time." At another point Hughes stated that while he did not know whether union organizers in Flint had requested assistance, he had heard that UAW official Robert Travis sent a telegram seeking out-of-state reinforcements.²⁷

The information Hughes received was probably correct. But it was, nevertheless, hearsay. Hughes was a declarant testifying at a hearing who offered out-of-court assertions—the statements of the workers—to prove the truth of the matter asserted—that the union requested out-of-state reinforcements. To overcome this hearsay problem, the Committee could have subpoenaed Robert Travis to ask him directly whether he had requested outside assistance. If unwilling to do this, the Committee could have simply objected to the hearsay, but accepted Hughes' testimony regarding the license tags, along with the evidence he offered—a list of the tag numbers that included the names of the automobile owners—to prove that persons from outside the state were present during the strike. Had the Committee conscientiously and consistently applied the hearsay rule, it would have made great strides toward placating its critics.²⁸

Following Hughes, Harold Mulbar, a Michigan State Police lieutenant, and Edgar T. Adams, the Fisher Body chief of plant protection, who toured Fisher Body No. 2 during the strike, gave eyewitness accounts of conditions inside the factory. Like many of the other Committee witnesses, their testimony consisted of both objectionable and unobjectionable sections.

²⁷ Hearings, Testimony of Edwin H. Hughes, pp. 1646.
²⁸ McCormick On Evidence, pp. 375.
According to the witnesses, workers prepared fortifications in the event of an attack and fashioned beds out of car seats and upholstery. Among the weapons workers had lined along the windowsills were firehoses, jars of acid, and buckets of hinges and other items that could serve as missiles. Billie clubs, made out of braided leather and filled with lead, were the most common form of protection. The fire doors had been welded shut. Discussing the make-shift beds, Mulbar described the factory as being in a "general state of disorder." Adams, however, alleged that Roy Reuther had entered the plant after the strike began and established a few basic rules the workers were to follow, including a ban on women and alcohol.29

This description of conditions was corroborated by photographs taken at the scene. Although Mulbar's team was allowed to tour the plant and take photos, it was always under the watchful eye of club-wielding strike committee members. Under no circumstances was Mulbar's group allowed to speak freely with the strikers. Mulbar reported that some of the workers later told him that during the course of the strike, non-UAW workers were forced to join the action against their will and were not allowed to leave the plant. Adams confirmed the fact that strikers wanting to leave were forced to pass through an armed gauntlet, but also stated that individuals could leave after securing a pass from the strike committee.30

Although most of Mulbar and Adams' testimony consisted of first-hand accounts of conditions inside Fisher No. 2 during the strike, Mulbar's claim that the strikers told him that they were not allowed to leave the plant during the course of the strike was hearsay. Mulbar was the declarant testifying at a

hearing, offering out-of-court assertions—the statements of the workers—to prove the truth of the matter asserted—that workers were forced to join the strike against their will and that they were not allowed to leave the plant. To overcome this problem, the Committee should have subpoenaed some of the striking workers to testify for themselves that they had been denied the right to leave the plant. Actually, the Committee did not need Mulbar’s testimony to establish this fact. Adams told the Committee that he had personally witnessed workers without signed passes being prevented from leaving by men stationed at the gate. In addition, Frank Zeider, a worker in Fisher Body No. 1, would later testify that he had actually attempted to go home during the strike, but was met at the gate by a group of forty to fifty men who demanded a signed pass from the strike committee before allowing him to leave. If confronted with the issue of Mulbar’s hearsay evidence, the Committee could have argued that it did no harm since Zeider and Adams corroborated the assertion. On the other hand, once again, the Committee did not appear to recognize that Mulbar’s testimony had been hearsay. Each time it allowed a hearsay statement to stand unchallenged, the Committee raised doubts that it understood the hearsay rule. The fact that in this instance the hearsay testimony was corroborated appears to have merely been happenstance. The danger lay in the fact that corroboration might not be available on other occasions where witnesses proffered hearsay testimony. 31

31 McCormick On Evidence, pp. 375; Hearings, Testimony of Frank Zeider, pp. 1673-1674; Testimony of Edgar T. Adams, p. 1671. At some point following Mulbar’s testimony it apparently occurred to Dies that his account of the strikers being forced to remain in the plant was hearsay, because sitting alone as a subcommittee. Dies recalled Mulbar to inquire further into the issue. Mulbar had in his possession files from the Michigan State Police that included statements from workers who were forced to pay one dollar in union dues to leave the plant during the strike. Nonetheless, Mulbar’s evidence consisted of police reports, not affidavits. Mulbar did not state whether these workers had given their statements under oath. Although Dies apparently understood that Mulbar’s earlier testimony was hearsay, having him provide the Committee with unsworn police reports did not cure the problem. Hearings, Testimony of Harold Mulbar, pp. 1693-1694, 1707-1708.
As problematic as his first-hand testimony proved to be, Mulbar had even less to offer when attempting to connect the Communist Party to the strike. Although Mulbar told his inquisitors that the Michigan State Police did not investigate un-American activities, when Dies asked whether to his "own knowledge... various well-known characters in the State of Michigan are engaged in communistic and other un-American activities," the witness answered in the affirmative. Mulbar also affirmed that this group of "well-known characters" had been "prominent in most of these strikes." Mulbar did not explain how he knew these facts to be true. The Committee did not ask.

32 Hearings, Testimony of Harold Mulbar, p. 1667.
Edgar T. Adams, however, had actually witnessed Communist pamphlets being thrown from cars late at night onto factory sidewalks. Some of the literature had made its way into the plant. He brought with him examples of the material that had been labeled "Fisher Body Unit, Communist Party, USA." The tracts spoke generally of labor conditions and the need to organize, but none of the material that Adams presented spoke specifically of sit-down strikes. A pamphlet Adams recovered in the spring of 1937, after the sit-down strikes had ended, did claim that the Communist Party had been a "tower of strength" during the sit-down strikes. Adams read selected passages for the Committee and presented the material into evidence. While finding Communist literature on company property was only circumstantial proof of Communist involvement in the strike, at least Adams had examples of Communist propaganda to give to the Committee, rather than relying upon rumor and innuendo. Outwardly, the Committee made no distinction between Mulbar's presumptions and Adams' documentary materials.33

Continuing on the topic of Communist involvement in the strikes, Herman Luhrs, chair of Flint's American Legion Americanization Committee, described Communist meetings and activities around the city during the period in question. A large part of Luhrs' testimony described meetings of the League for Industrial Democracy, the ACLU, and the Contemporary Problems Club, organizations that outwardly were non-Communist, but which the Committee believed were Communist front groups. Luhrs listed the speakers at these gatherings and the topics of discussion. But aside from stating that Communist literature was distributed at some of these meetings, he offered very little revelatory information.34

34 *Hearings*, Testimony of Herman Luhrs, pp. 1654-1659.
While spying on these groups for the American Legion, Luhrs first became acquainted with Walter Reuther. Reuther spoke to the League for the Protection of Civil Rights about the thirty-three months in which he lived and worked in the Soviet Union. When Reuther answered a question regarding his belief in God by stating, "We do not believe in God, but [rather] that man is God," Luhrs told the Committee, "That is when we first began to check on Reuther's activities." Luhrs also alleged that Victor and Roy Reuther had spoken at ACLU meetings and anti-Nazi rallies where Communist literature was sold. At an organizational meeting to discuss the founding of a new labor institute, Roy gave a lengthy speech and sang the "Internationale."35

The Committee was especially interested in Luhrs' testimony regarding the Communist leanings of the labor activist Reuther brothers. As noted earlier, Victor and Roy Reuther played an active role in the sit-down strikes, particularly by manning the sound trucks, through which they exhorted the strikers inside the plant, the picketers outside the plant, and rallied support of the people of Flint. The sound truck, Edgar Adams had explained, was usually situated directly in front of the plant. The Reuthers would encourage the strikers and play the "Internationale" to keep up morale, but primarily, the sound truck was present "so they could call their army, as they called it, to duty at any time." Witness Fred Frahm had testified that although he often associated with Communists, Reuther (he did not specify which Reuther he meant and the Committee failed to ask for a clarification) was not a Party member. But Luhrs presented a different picture.36

Walter Reuther, and his younger brothers, Roy and Victor, were three of five children born to a socialist German immigrant in the Ohio Valley. Walter

35 Id.
learned the craft of tool and die-making while in high school, leaving home in 1927 to ply his trade in Detroit. His skills assured that he would never want for work, and soon Walter was earning a good living while drifting away from socialism. But in 1930, when his more radical brother, Victor, turned up in Detroit, Walter was drawn back into Socialist politics. The brothers joined the Socialist Party and campaigned actively for Norman Thomas in 1932. Walter’s political activities led to his firing by Ford, but he turned this change in fortune to his advantage. He and Victor signed on to work at a new auto factory Ford had outfitted in the industrial city of Gorki, in the Soviet Union. After touring Europe for several months, the brothers arrived in the USSR. They were quite taken with the new Soviet industrial state. They trained workers in tool- and die-making, earned accolades for their suggestions at methods of improving production, and returned to the United States in 1935 highly politicized. Once back in the United States, Walter embarked on a career as a labor organizer. Given the determination of the Big Three auto makers to keep unions at bay and the hesitancy of workers to embrace the rights recently guaranteed them in the National Labor Relations Act, Reuther’s task was enormous. Nevertheless, Walter and Victor Reuther played significant roles in instigating the Kelsey-Hayes sit-down strike in December 1936. While Victor manned the sound truck, encouraging the strikers, Walter handled the negotiations. Wages doubled, the company established a grievance procedure, and most importantly, recognized the UAW. With this track record, it was little wonder that the Reuthers immediately drew the ire of GM and law enforcement officials in Flint and the Dies Committee in Washington.37

The most damning piece of evidence that Luhrs offered against the Reuther brothers was a letter Victor Reuther wrote to Melvin Bishop during his stay in the Soviet Union. The letter was an enthusiastic account of his work in the Soviet factory. Reuther expressed regret over being unable to participate in strikes in the United States, but noted, “the thought that we are actually helping to build a society that will forever end the exploitation of man by man...is the compensation we receive from our temporary absence from the struggle in the United States.” Reuther wrote that he was so impressed by the Soviet system that he was willing to “fight for it and its ideals.” He described at length the “strong spirit of comradeship” among workers, the excellent relations between workers and supervisors, and life and work in the factory.38

Because the Dies Committee had failed to lay the necessary foundation for Luhrs’ testimony, it is impossible to determine whether it suffered from evidentiary defects. Luhrs gave no indication of how he had come into possession of the information he provided on the meetings of the alleged Communist front organizations. It was possible, of course, that Luhrs had attended these meetings himself and was testifying based on his personal knowledge. On the other hand, he may merely have been repeating information gathered by someone else. If the latter was the case, then Luhrs was not competent to testify. Again, the Committee did not ask the questions that that would clarify these issues. Through prior communications with Luhrs the Committee may have already satisfied itself that he was not presenting hearsay evidence. But given the lack of staff the Committee had with which to conduct advance preparation, this was doubtful. Even if it had been satisfied that Luhrs’

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38 Hearings, Testimony of Herman Luhrs, pp. 1658-1659, 1655.
information was based on direct personal knowledge, the Committee would have been well-advised to inquire into his sources, if only to satisfy the public that it was not accepting second or third-hand accounts of events.

The admission of the Reuther letter into evidence likewise raised evidentiary issues. Here the Committee seemed to be on solid ground because it had hard evidence of Victor Reuther's sympathies for the Soviet Union. But what guarantee did the Committee have that the letter was authentic? Primarily, it had only Luhrs' word that it was a "correct copy" signed by Reuther. But Luhrs did not state how he came to possess the correspondence, nor whether it was a handwritten or a photostatic copy.

In a court of law, authentication would have been required before admitting any written materials into evidence. The fact that a writing was signed was not sufficient proof of authenticity to allow its admission. This rule acts primarily as a check against fraud. "...[W]hen a claim or offer involved impliedly or expressly any element of personal connection with a corporal object," observed legal scholar John Wigmore, "that connection must be made to appear...else the whole fails in effect." It is a question of the sufficiency of the evidence, and proof of authenticity is required. Wigmore explained:

Authentication...presupposes a single object only, and refers to it as associated with a person, a time, a place, or other known conditions. Thus, the object itself, when offered, is not relevant unless it is the object that was in fact thus associated with those conditions. Hence, the evidencing of those conditions be introduced before or at the time of offering the object itself.

Proving the authenticity of a writing requires testimony from the author, someone who witnessed the author sign the writing, or proof of handwriting. In many instances the foregoing proof is not available, at which point authentication is allowed by circumstantial evidence. For example, if the writing is an official
report and is shown to have come from the public office where such papers are kept, it will be authenticated. If a letter appears "out of the blue" from someone with whom the recipient had no previous communication and contains information that only the signer would have, then its authenticity will be accepted. If a letter is addressed to an individual and refers to an earlier letter either written by or to that same person, then it is considered a reply and, therefore, authentic. This method, however, requires admitting the initial letter into evidence. Finally, there is the ancient documents rule in which if the signer and all witnesses are unavailable, then to prove authenticity an unsuspicious appearance and the age of the document may be taken into consideration. 39

Luhrs met none of these requirements in presenting the purported Reuther letter to the Committee. Generally, however, where the authenticity of the writing is not questioned, courts work around these rules. In the case of Luhrs', a member of a patriotic organization wanting to prove the Communist leanings of a labor leader, some genuine doubt as to authenticity was reasonable. Moreover, Luhrs presented only what he deemed a "correct copy." In a courtroom this letter might be found to violate the best evidence rule. Because of the danger of fraud or mistransmission, "the original writing must be produced unless it is shown to be unavailable for some reason other than the serious fault of the proponent." The Committee accepted Luhrs' word on the authenticity of the Reuther letter. At no point were the foregoing evidentiary standards discussed.40

Continuing to look at the role of Communists in inciting and leading the sit-down strikes, the Committee heard from James Mitchell, the welfare director of Detroit's Local No.2, Murray Body. Mitchell alleged that prior to the strikes, a

39 Wigmore, Evidence in Trials at Common Law, pp. 564, 569, 572 et seq.
40 On authentication see, McCormick On Evidence, pp. 350-359. on best evidence rule, see, ibid., pp. 360-370.
series of meetings was held in the home of Communist party member Julia Buchanan. Mitchell named some of the Communists who attended these meetings, including CIO attorney Maurice Sugar; Lloyd T. Jones, president of UAW Local No. 2; and “Fred Williams, alias Jack Wilson, a member of the Communist Party, and a notorious and bad character.” The purpose of these gatherings was to determine strike strategy. One plan involved controlling an entire plant with a small number of men to by placing Party members in key positions. “In other words,” Mitchell explained, “when a strike was ready to take place, these Communists have been placed at various stations to control the switch boxes, telephone switchboards, light switches, and to control the gates.” Once a strike began, this same group of Communists continued to meet inside the plant where they policed workers and decided which men would be allowed to leave. According to Mitchell, Communists dominated labor activities in the Detroit area and “engineered” the sit-down strikes. The problem had become so serious that UAW president Homer Martin had attempted to rid his union of Communists. He was prevented from doing so by CIO head John L. Lewis.41

Mitchell’s testimony may have been entirely accurate, but he offered no evidence to support his claims. He may have been aware of the pre-strike meetings he described because he had attended them, but he never stated so and the Committee never asked. If he was not present at these meetings, then his testimony was nothing more than hearsay. The Committee failed to ask the questions that would identify the source of Mitchell’s information. This may have simply been sloppiness on the Committee’s part, but may also have been a sign that the Committee pre-judged the strike and was, therefore, willing to accept without question the testimony presented.

When explaining that Communists occupied key positions in the plant immediately prior to the start of the strike Mitchell failed to identify a single individual or explain how it was he knew they were Communists. Moreover, Mitchell acknowledged that he had been assigned to one of these key positions. "I, myself," he explained, "had to be brought in and ask the foremen to leave their respective stations...." Was this an admission of Mitchell's part that he was a Communist? If not, then wasn't it possible that he might have been mistaken about the other so-called "key men of the Communist Party?" 42

As for his assertions that Communists controlled the labor movement in Detroit, Mitchell again offered little evidence in support of these claims or explained why he believed them to be correct. Where the Committee had warned past witnesses against suppositions, Dies invited Mitchell to speculate when he asked, "To what extent do you think the Communists dominate the labor activities in the Detroit area?" Mitchell's lack of evidence, however, did not mean that all of his allegations were untrue. Maurice Sugar, for example, was a Communist. In a few instances, moreover, Mitchell did explain how he came to the conclusion that some of the individuals he named were Party members. He claimed that Fred Williams had "said some awfully dirty things about the American flag," that he found a "flag of the Communist Party" in Lloyd Jones' desk, and that he had seen "letters from France and Russia brought in by the mailman and thrown on the desk." In the end, however, the best Mitchell could offer was this circumstantial evidence. On occasion, Mitchell's statements were so far off the mark, that even Dies was forced to correct him. When Mitchell asserted that John L. Lewis had been taken in by Communists, Dies pointed out

42 Ibid., pp. 1552-1555.
that Lewis had taken "an aggressive stand against" communism. Mitchell replied, "In 1924 he did state that. But the picture is changing now."43

Detroit Police Superintendent Fred Frahm, a twenty-two year police veteran, testifying about the Communist role in the sit-down strikes, also heavily relied on speculation and assertion. When asked whether he knew many Communists in the labor movement, Frahm replied, "Not myself, but my men know them." While logic, and dedication to good procedure, might dictate that the Committee call Frahm's men, it continued questioning the Superintendent. "To what extent are...Communist influences shown?" Dies asked. "Well...they make no bones about it. Everybody knows about it," Frahm answered. "The people of the town know about it?" asked Dies. "Sure they do," Frahm replied. "What about the labor men themselves?" Dies continued. "Some of them do." Frahm replied. "They are more or less acquainted with the fact and a lot of them are dropping out [of the union]." Dies did not question the contradiction in Frahm's testimony that "everybody" in Detroit knew about the Communist presence in unions but only "some" of the union men were "more or less acquainted with the fact." Nor did Dies ask Frahm for evidence of falling union membership as a result of this Communist influence.44

Continuing, Frahm claimed that Communists forced workers to pay Party dues. If they refused, the workers were threatened. If the dues of two or three men were found not to be current, Communists would call a sit-down strike. Frahm identified a handful of Communist leaders, estimated that Communists instigated 75% of the strikes, and asserted that 10% of the workers bullied the remainder into joining strikes through threats and beatings. Communist leaders, Frahm insisted, were the cause of labor strife. "[They] will agitate...up to the time

43 Ibid., pp. 1554-1558.
44 Hearings, Testimony of Fred Frahm, p. 1605.
the trouble starts," he explained, "and then they will get out of the way." At no point did Frahm offer any evidence for these assertions. He presented no affidavits, nor did he say that he witnessed the events he described. If Frahm was repeating information given to him by his investigators his testimony was hearsay. Dies never asked Frahm where he received his information or to present proof of his claims. As always, Frahm's assertions may have been correct, but the Committee failed to take the steps necessary to corroborate his allegations or guard against hearsay.45

An example of the poor quality of the evidence on which Frahm relied to make his case were the labor photographs that he provided the Committee. Some of these photos depicted labor violence, while others were merely random scenes of labor gatherings unrelated to the sit-downs. The photos of the violence, Dies explained, established the "methods that were used in seizing possession of these plants and preventing others from coming in." As such, they were irrelevant to the issue of Communist involvement in the strikes. These photos showed the sound cars used during the sit-down strikes, as well as photos of workers armed with two by two lumber clubs manning a picket line, and strikers violently clashing with police or with workers who did not join the strike. The fact that none of these photos offered evidence of Communist activity did not stop Frahm from making bald assertions about Party involvement. Submitting a picture of the exterior of the chemical and drug department of the Parke-Davis Company, Frahm claimed without proof that the Parke-Davis strike was "instigated by a Communist." Pointing at another photo, Frahm said, "This is one of the Communists here." Dies asked Frahm to identify the individual. "I cannot tell you his name," Frahm replied. "I think it is Novak."46

46 Ibid., pp. 1607, 1622-1625.
One photo in the group presented by Frahm superficially linked Communists to labor. Dies described it as having been taken "May 1, 1938, showing a mass meeting in Cadillac Square. In the photograph here may be seen the banners of the Communist Party of Michigan, carried along with others, and prominently displayed...." Since the picture was taken after the sit-down strikes, presumably it was offered to prove Communist influence in the labor movement generally. What Dies neglected to note, however, was that May 1st, or May Day, was a widely celebrated labor holiday marked by rallies, parades and picnics in which a multitude of labor-friendly organizations participated. Communists usually took part and often sponsored these celebrations, but only as one of many groups. That would explain the fact that the Communist banner was "carried along with others." A Communist presence at a May Day celebration, however, was hardly evidence of Communist influence in the labor movement.47

Frahm's testimony was rife with allegations that Communists instigated violence, but the Committee consistently failed to ask for evidence, or to ask questions that might clarify the testimony. For example, Frahm reported that in the "Federal Screw case" the "Communist outfit reported to the city council...that the police department was creating a disturbance. [The Communists] were the ones that were causing the fights." Frahm did not identify who made the complaints about the police or how he knew the complainants were Communists. He did not provide evidence of the complaints such as minutes of a city council meeting or other proceedings. Frahm did not state whether he was present to hear the complaint, whether he had seen a written copy of the complaint, nor how he knew about it. After the third complaint, Frahm did go to the Federal

47 Ibid., p. 1622.
Screw works himself where he observed violence instigated by the strikers. In another instance, Frahm described an injunction hearing in which the courtroom was packed with striking workers. Frahm attended the hearing where, he said, he witnessed Communists leading picketers surrounding the courthouse. He offered no names nor did he state how he knew those leading the picketing were Communists.48

Frahm, with Dies asking leading questions, laid the blame for all of the labor trouble at the feet of Communists. Frahm claimed that even after agreements had been reached between labor and management, "The strikes were still going on and no one seemed to know who was causing it. The heads of the union could not do anything about it."

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<tr>
<th>Dies</th>
<th>That was because the Communists were not striking for better wages or shorter hours?</th>
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<tr>
<td>Frahm</td>
<td>They were not interested in that.</td>
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<tr>
<td>Dies</td>
<td>They were striking to create class hatred and unrest; is that not the fact?</td>
</tr>
<tr>
<td>Frahm</td>
<td>Exactly.</td>
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<tr>
<td>Dies</td>
<td>And that is shown by the fact that when the settled one strike, regardless of the agreement, they would strike again; is that true?</td>
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<tr>
<td>Frahm</td>
<td>They would strike, anyhow; yes.</td>
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* * *

Dies       | If it were not for these Communists agitating this and leading it and directing this policy of violence and lawlessness, you would not have any serious trouble, would you? |
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<tr>
<td>Frahm</td>
<td>I am satisfied that if they go along and work, that the manufacturers want to deal with the working people. But it seems as though no one seems to be able to hold them down. They are creating the disturbance regardless of what the manufacturer does.</td>
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48 ibid., pp. 1625-1626.
This exchange might have been convincing but for the fact that it was based entirely on assertion. To prove these claims would require naming the specific strike in question, presenting the signed, dated agreement between labor and management, then call as witnesses workers, union officials or management, who could attest to the fact that the strike continued after an agreement was reached. The Committee did none of these things. It simply accepted Frahm’s depiction of events without attempting to verify any of the facts.49

As previously indicated, another problem with this exchange was Dies’ use of leading questions. A leading question, explained legal scholar James Henderson, was one that “indicates to the witness the real or supposed fact which the examiner expects and desires to have confirmed by the answer.” John MacArthur Maguire noted: “A leading question tends to put at least the lawyer’s wording into the mouth of a tractable witnesses, and sometimes the wording may deeply affect the substance.” In a courtroom, what constituted a leading question was a matter for the judge’s discretion. The standards were flexible and decided on a case by case basis. A question that suggested the answer was usually considered leading. But a question that suggested a subject was usually acceptable. Henderson explained the difference through examples taken from a personal injury case: "Q: State to the jury whether since the accident you have had any trouble in getting rid of your urine? A: Yes, sir. Q: State what has been the condition of your bowels since the accident. A: My bowels are sore and hurt." The first question suggested the answer and, therefore, was disallowed as

49 Ibid., p. 1627.
leading. The second question, however, merely suggested a subject and was unobjectionable. Under this standard, the foregoing exchange in which Dies suggested answers and put words into Frahm's mouth could only have been considered leading the witness.50

Dies stated many times that he was interested in the truth, wherever it might lead. So while the Committee may not have been required to abide by formal judicial evidentiary rules, it would have been good practice to follow the basic stricture against leading questions. If the point of holding hearings was to learn what witnesses knew, then it would have been better for the Committee to allow them to state those facts on their own. For example, Frahm agreed with Dies and likely would have offered the answers which Dies sought had he been given the chance. But Frahm may not have stated his conclusions with the same certainty that Dies displayed in expressing them for him. By putting words into the witness’ mouth it appeared as though Dies had already formed his own opinion about the strike and was looking only for corroboration. Worse, one might conclude that Dies suggested answers for the witness out of fear that he might refute Dies' beliefs or, at the least, express a more nuanced version of events. By resorting to leading questions—which the Committee did in dozens, if

50 Henderson, Commentaries on the Law of Evidence, pp. 4544-4550; Maguire, Evidence: Common Sense and Common Law, p. 44. Leading questions were permitted for hostile witnesses, to refresh a witness' memory and, as a matter of expediency, to establish introductory matters. None of these exceptions would have applied in this exchange with Frahm. Henderson, pp. 4553-4558. Leading questions were also usually allowed on cross-examination. Maguire explained, because of “the professional belief that by and large most witnesses incline to tractability on direct examination and to some degree of recalcitrance on cross-examination.” Maguire, p. 44.
not hundreds of instances—Dies, once again, risked the credibility of his investigation.

The violence and intimidation of workers and influence of Communists was only one part of the story of the sit-down strikes. Dies wanted to emphasize the role played by Governor Frank Murphy. To that end, the Committee called Judge Paul V. Gadola of the Seventh Judicial Circuit of Michigan, the highest court of general jurisdiction in the state. Gadola had issued the second injunction ordering the removal of striking workers from Fisher Nos. 1 and 2. He described the circus-like atmosphere surrounding the application and hearing for injunction. At the time of the hearing, the National Guard had been called in to surround the Fisher Body plants to keep the peace. The disorder was carried into the courtroom where tensions were so great that the American Legion felt it necessary to place guards to protect Gadola, himself a Legionnaire. Because Gadola received threats in the weeks following his issuance of the injunction, the Legion also guarded his home and his children at school. The attorneys representing the strikers in the injunction proceedings, Lee Pressman, Larry Davidow and Maurice Sugar, also had bodyguards.51

Against this backdrop of incipient violence, Gadola had heard oral arguments for the injunction. Emphasizing Murphy's involvement, Gadola testified to Dies that prior to the injunction hearing, his office had received messages for the CIO attorneys, among which was one instructing them to phone the Governor when they arrived at the courtroom. Gadola permitted

51 Hearings. Testimony of Paul V. Gadola, pp. 1675, 1677.
Davidow to call Murphy from his office, but he did not listen to the conversation. After the CIO attorneys completed their calls, however, they requested a conference with Gadola and the GM lawyers. During this conference, Sugar asked for an adjournment of the proceedings, noting that this was also the wish of the Governor. After replying, "The hell with the Governor," Gadola proceeded to hear the oral arguments.52

Gadola informed the Committee that at this point he had already decided to enjoin the strike, but because the attorneys had asked for more time to submit written briefs, and to give the sheriff who was to enforce the order twenty-four hours notice, he did not issue the injunction until the next day. After he issued the injunction, Gadola recalled, "the cry went out of absolute defiance." Although the strikers in No. 1 and No. 2 said that they would rather die than leave, Gadola was of the opinion that had the National Guard been used to enforce the court order, "[the strikers] would have marched out of the sit-down plants right then." The order was never enforced and Gadola unequivocally blamed Murphy. The sheriff would have executed the writ, Gadola claimed, "except that he was prevented from doing so by the Chief Executive of the State of Michigan." Gadola knew this to be true, he alleged, because he had talked to the sheriff. "I took him to task, as being the chief enforcement officer of the State of Michigan in our community, for not executing the orders of the court," Gadola said. "He said, 'Well what can I do? The Governor does not want me to.' I said, 'Well, you know, you are sheriff, the Governor is not sheriff here.' He says, 'Yes; but he can

52 Ibid., pp. 1676.
remove me from office." In Gadola's unforgiving assessment of the situation, what happened in Michigan during the sit-down strikes was nothing short of a "total breakdown of civil authority."53

As was true of the other Committee witnesses, where Gadola’s testimony consisted of a simple presentation of facts he knew firsthand, such as the events surrounding the injunction hearing, his statements were unobjectionable. But Judge Gadola’s testimony also ventured into speculation and hearsay. His statement that he believed the workers would have quietly left the factory if presented with a legal order to do so, was only conjecture on his part. He offered no evidence to support this assumption, and he was not asked for any. A hearsay objection should have arisen when Gadola recounted his conversation with the sheriff. If Gadola offered the sheriff’s out-of-court statement to prove that Murphy did not want the sheriff to enforce the injunction and that he would fire the sheriff if the injunction was enforced, then the hearsay prohibition should have been invoked.

There are many classes of statements, however, that do not fall under the proscription against hearsay. Hearsay only applies when the witness seeks to convince the factfinder—in this case, the Committee—that the declarant’s out-of-court statement is true. The rationale underlying the hearsay rule is that the finder of fact needs to be able to judge the credibility of the declarant. If, therefore, the witness’ statement is neither an assertion nor offered to prove the truth of the facts asserted, then hearsay does not arise. For example, when the

53 Ibid., pp. 1677-1680.
issue is only the fact that the declarant made a statement, not the truth or falsity of the statement, then it is not hearsay. Statements that go to prove the declarant's state of mind straddle the line between hearsay and non-hearsay. If, in the present case, a question arose whether the sheriff did actually attempt to enforce Gadola's order, his statements to the judge would be allowed to prove his state of mind. The sheriff's statements that the governor did not want him to enforce the order and that the governor had the power to remove him from office would not be hearsay if offered as circumstantial evidence to prove that the sheriff did not enforce the order out of fear for his job. But, of course, this was not the issue. Gadola repeated the sheriff's statements as evidence of the fact that Murphy did not want the order enforced. Under any interpretation of the hearsay rule, Gadola's statement would not be admissible. To get around this hearsay issue, the Committee needed to call Murphy and the sheriff to testify. As it happened, the sheriff accused Gadola of presenting a "malicious falsehood." "The Governor merely suggested that I delay the service of this writ over the week-end, giving the conference in Detroit time to settle the strike in a peaceable way," the sheriff countered, "and as yet I have found no other way that would have been as good as the peaceable way."54

Following Gadola as witness, John Barringer, the city manager and director of public safety in Flint from 1932 to 1937, also blamed Murphy. Barringer, whose duties included serving as the "official head of the police department," had assigned one man to monitor subversive activities and give him

54 Graham C. Lilly, An Introduction to the Law of Evidence (Minnesota: West Publishing
"verbal" reports. He dated the start of the city's problems to the transportation strike called on December 3, 1936. Roy Reuther led this trolley strike, about which "it was said that it was warming up for the big strike that was to come later." The "big strike," Barringer explained, was the sit-down that began on December 30, 1936. His testimony reiterated that of earlier witnesses, but offered greater insight into the difficulty local police had in controlling the strike. With workers occupying Fisher No. 1 and refusing to leave, the Reuthers' "famous sound wagon...running around the streets inciting the people," and cars "loaded with men" bearing out-of-state license plates entering the city, Barringer was uncertain about how to proceed. "It was something new to us," Barringer explained, "and it was something that we were confused to know how to handle." The Flint police department had only seventy to eighty men at its disposal. Realizing that circumstances were "getting beyond the scope or ability of the Flint police to handle," Barringer turned to the state police, who told him they could not act without the governor's permission. Barringer called Murphy. He explained the situation and asked for assistance, but, he said, "The governor gave me no reassurance whatsoever that he would do anything about it." After each violent incident Barringer attempted to contact the state police, the governor, or both, with little success.55

Following the Battle of the Running Bulls, Barringer finally managed personally to contact the Governor. Murphy again refused to send help, but told Barringer to meet him in Flint at midnight in the Durant Hotel. Barringer, along

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Co., 1996), pp. 219-221; Sheriff Wolcott quoted in Howard, Mr. Justice Murphy, p. 169.
with other city officials was waiting in the hotel lobby when Murphy arrived and went up to his room. Shortly thereafter, Roy and Victor Reuther arrived accompanied by "several other mob leaders," and they, too, took the elevator upstairs. "The Governor conferred with these men for more than three quarters of an hour before he would talk with the mayor and myself and other city officials," Barringer complained. After meeting with the strike leaders, however, Murphy did spend three hours with city officials. Meanwhile, the Battle of the Running Bulls raged at Fisher No. 2. Believing that the police could lose control of the violence at any time, Barringer was frustrated at Murphy's continued refusal to send in the state police. "That night," said Barringer, "I tried to impress upon him how serious the situation was at the exact time that I was talking to him." Although he explained to Murphy that his men were tired, cold, and outnumbered, his entreaties "seemed to have no effect upon the Governor."56

Barringer had little concern for the underlying industrial dispute. From his point of view, what mattered was stopping the violence and removing the strikers from the plants. This entailed a strong show of force, but to his frustration, Murphy was unwilling to pursue this strategy. Barringer's police force, which even at full capacity was too small to control the strikers, had been depleted by injuries. It was, therefore, unable to maintain control following the taking over of Chevrolet No. 9 by strikers, when "the streets became more cluttered up with—I might call them mobs." The National Guard not only refused to engage the strikers, Barringer claimed, but "[t]hey even wanted us to stay out of certain parts

55 *Hearings*, Testimony of John Barringer, pp. 1684-1686
of our own city." Murphy generally avoided speaking to Barringer, refused to deploy the State Police or to authorize the National Guard to assist his men in clearing the streets, all of which convinced Barringer that the governor was not sincerely interested in maintaining law and order.57

As with the other witnesses, when Barringer’s testimony turned to the issue of Communist influence in the sit-down strikes, his testimony consisted of speculation with no support. “What part, would you say,” asked Mosier, “that members of the Communist Party, Socialist Party, or the left-wing group of the Socialist Party played in that strike?” “They played a very prominent part.” Barringer answered. “We came in contact in every trouble with the Reuther brothers, [Bob] Travis and men of that sort.” Barringer did not offer proof that these men were Socialists or Communists, a fact indirectly acknowledged by Mosier’s follow-up question. “They were men you knew, and while you could not prove they were members of the Communist Party, you knew they were in sympathy with them.” “That is right,” Barringer replied, without stating how he knew about their alleged sympathies.58

Barringer ended his Committee appearance by claiming that the sit-down strikes “would not have developed so seriously if it had not been for the attitude of the members of the La Follette Committee and Governor Murphy’s treasonable action.” Murphy’s supposed treason was his refusal to dispatch the state police. The La Follette Committee, conducting its investigation into

56 Ibid., pp. 1686-1687.
57 Id.
58 Ibid., p. 1689.
employer unfair labor practices, had erred by asking for a list of individuals that
the Flint police had hired as a special reserve force to assist in maintaining order.
In past incidents of labor violence, the La Follette Committee had uncovered
evidence of collusion between police and employers in assembling strikebreaking
forces. Also, some strikebreakers had criminal records. The La Follette
investigators wanted to check on the members of the Flint special reserve to
determine whether any were aliens or had criminal backgrounds. Because he
feared that once he provided such a list it would become a matter of public
record, Barringer refused. Members of his police department had received
threatening phone calls at home and Barringer did not want to place his special
reserves in a similar position. "I told them, in effect, to go to hell," Barringer
said.59

The claim later made by President Roosevelt that Barringer's testimony
was merely that of a biased and embittered Republican raises the issue of a lack
of opposing counsel in a "legislative trial." The Committee accepted Barringer's
testimony at face value. There was no one present to question the witness' motives or to impeach his testimony. Recognizing that Barringer might be accused of bias, Dies did ask him to return to the stand the following day to inquire into his politics. In response to questions from Dies, he explained that because the city manager was not elected but appointed by the nine city commissioners, his job could be considered "purely nonpartisan." While the city manager may have been appointed, this hardly equals nonpartisanship. Flint

59 Ibid., pp. 1689-1691.
was a company town in 1936 and 1937, with GM employing over two-thirds of Flint's workers. Barringer, moreover, ran a factory that supplied metal castings to Buick, and shortly after the sit-down strikes began, founded the Flint Alliance to spearhead a back-to-work movement. The Alliance mounted a massive publicity campaign to win public and worker support by claiming that the majority of workers opposed the strike, which was allegedly the handiwork of a Communist minority.60

Evidence of Barringer's bias might be taken from the fact that he consistently interpreted Murphy's actions in the worst possible light. On the night of the Battle of the Running Bulls, regardless of the fact that Murphy spent three hours conferring with city leaders, Barringer was angry that the Governor chose to meet first with strike leaders. Although Murphy did send in the National Guard to maintain the status quo, Barringer focused on Murphy's initial unwillingness to deploy the state police. Had Barringer's testimony been given in a courtroom, the opposing attorney could have used his ties to GM to question his interpretation of events.

The sit-down strike testimony failed to present much hard evidence of Communist involvement in the strikes. Although they may have been mere assertions, the claims of Communist influence were, nevertheless, correct. The sit-down strikes occurred during the period of the Popular Front, when the Comintern instructed the CPUSA to abandon its policy of forming separate,

radical unions and instead to work within mainstream labor organizations. Communists were active in the CIO and the UAW. These, asserted scholar Bert Cochran, were alliances "of convenience, not love." For Communists active within the trade union movement during this period, being a Communist was secondary to being a good trade unionist. Regardless of ideology, Communists and trade unionists shared the same goal: union recognition. As part of its "concentration" policy, the Party sent members Nat Ganley and William Weinstone from New York to Michigan; gave auto workers like Bud Simons key positions within the Party; and used non-worker Party members to assist during strikes by distributing leaflets, manning picket lines, and supplying food and legal representation. Although Wyndham Mortimer, the UAW's first vice president, was the only Communist among the union's top leadership, Communists, including Ganley, Sugar, Robert Travis and Henry Kraus, played a crucial role in the strike. In addition, Ganley later claimed that Walter Reuther was secretly a Communist, but on instructions from the CPUSA, maintained his membership in the Socialist Party as a ruse. Regardless whether any of the Reuthers was a CPUSA member, they did maintain close ties to the Communist Party. Moreover, Socialists and Communists had put aside any sectarian differences for the sake of the strikes. All of the foregoing was either directly or indirectly attested to during the Dies Committee hearings. Critics may have been correct when they charged that Committee witnesses had little evidence to support these
contentions, but this did not mean the information offered was uniformly wrong.61

To say that Communists played an important role, however, is a far cry from Dies' assertion that "well-known Communists instigated and engineered the strike." The main issue is the degree of control Communists exercised. Shortly after the strike concluded, in a statement quoted in the Dies Committee's 1939 Report to the House, William Weinstone claimed that the Communist Party gave the most loyal backing and support to the strike, to the aims, to the policies, and activities of the union and the CIO. The Communists...tried in every way possible to properly prepare the strike so that it would rest upon a strong foundation. In the strike itself the Communists sought to imbue the strikers...with the greatest discipline, organization, and perseverance. There is no doubt that where the Communists were active and took an outstanding part, particularly at the most decisive points of the struggle, there the strike was strongest, and this made for the success of the whole battle.

In a 1960 interview, Larry Davidow likewise boasted that "the whole strategy of the sit-down strike was communist inspired, communist directed and communist controlled." In 1964, Wyndham Mortimer credited non-Communists with playing an important role in the strikes but asserted that Communists were responsible for the 'main strategy' of the sit-downs and with "running" the strikes.62

Despite the claims of these men and the prominent role played by Communists, historian Sidney Fine argued that because Communist and UAW goals were the same at this time, to "interpret the strike as a Communist plot"


would be a mistake. Communists were not out to agitate—to use the strike as propaganda to raise the class consciousness of workers—but simply to organize. The strike arose from conditions in the auto industry and a desire to build a union, not a desire to pursue Communist Party objectives. Fine also considered the strikes' success to be based as much on the assistance of federal and state officials as on the Communist Party—in particular, Murphy and the La Follette Committee.63

In agreement with Fine, Bert Cochran argued that neither the Communist Party nor the UAW possessed any kind of overarching plan for a national strike against GM. Most of the sit-downs prior to the eruption in Flint were spontaneous actions arising from local issues. While acknowledging that Communist UAW leaders such as Kraus and Mortimer may have discussed strategy among themselves, Cochran maintained that the UAW “was in too chaotic a state in 1936 to be able to plan any kind of firm national strategy.” Once the strike began, however, the Communist Party was able to utilize its members who occupied key positions. Mortimer was a negotiator, Travis the Flint director, Bud Simons headed the strike committee, and Sugar and Pressman provided legal representation. Although Cochran noted that the Party did take advantage of the strike to educate workers, he agreed with Fine that Party influence was “academic” since the Party agreed with UAW and CIO goals. Toward the end of the strike, it was John L. Lewis' intransigence, plus the conciliatory attitudes of Murphy, Labor Secretary Frances Perkins and Roosevelt, that made the strike a success. Dies' attempt to blame the strike on Communists was nothing more than “reasoning based on demonology.” Placing all blame on Communists, Cochran argued, ignored the social factors, local conditions,

attitude of GM, and frustration of the workers that contributed to the creation of the atmosphere that made the strike possible.64

Coming at a politically sensitive time for Governor Murphy, the charges made by Dies Committee witnesses provided the perfect political ammunition for his opponents. Former Republican governor Frank D. Fitzgerald was the first to strike, warning voters to oust Murphy if they wanted to avoid another Communist seizure of power of the sort that supposedly happened during the sit-down strikes. Murphy responded by pointing out that the sit-down strikes began in 1936, before he assumed office. He had only inherited the problem. But the accusations were hard to shake and although Murphy had the support of workers and a reputation as a strong campaigner, by late October he faced an uphill battle to win re-election.65

Given the fears the sit-down strikes raised across the nation and Murphy’s pitched battle for re-election, the claims that he failed to act in the name of law and order were serious. Dies made his usual pronouncements that if any facts that were established contradicted statements made during the hearings, the Committee would allow the aggrieved party to correct the false impressions. Although Murphy wanted to correct the record by testifying before the Committee, Roosevelt, instead, issued the main challenge to Dies. Murphy resigned himself to countering the charges in the press. He responded that his actions were based on the "simple truth...that a civil war was imminent in Flint in February of 1937." For the same reason that he had asked Roosevelt to withdraw his support from the Dies-Garner resolution condemning the strikes, Murphy felt that he could not enforce Gadola’s order of ejectment. "Any attempt

64 Cochran, Labor and Communism, pp. 115-123.
on the part of the National Guard to forcibly eject sit-down strikers from General Motors' plants in Flint," said Murphy, "would have resulted in bloodshed, delayed peaceable settlement and provoked a riot which the troops could not have handled." What he had attempted, he claimed, was the postponement of any action long enough for the parties to meet and negotiate. Indeed, Gadola's order was issued on a Friday and by the following Wednesday the strike had ended. Although he did not condone the strike's lawlessness, Murphy explained, this seemed the only way to proceed. He felt his decision was justified by the fact that "[n]ot a single human life had been lost, not a liberty had been suppressed even though we had passed through the most terrifying industrial strike in history." Moreover, he noted, the voices raised in complaint were not the industrial leaders whose property would have been directly at risk in the event of a National Guard invasion, but politicians looking to score political points.66

The assault on Murphy made front page news across the country and President Roosevelt, who had steadfastly refused to comment on the Committee to the press, was finally prodded into a response. In an unusual step, when asked by a reporter to comment on the Committee's treatment of Murphy, Roosevelt stated that he would not respond orally for fear that he might be misunderstood, but would provide a formal written statement to be published as a direct quotation. In his statement, the President repeated the same arguments Murphy had earlier made: that violence would have been unavoidable had he sent in the National Guard, that Murphy had been seeking more time to allow the parties to negotiate peacefully, and that Murphy should be praised for his "painstaking and statesmanlike efforts to bring about a settlement...and to avert bloodshed and riot...." Moreover, the President reiterated the fact that the heads

of General Motors, Chrysler, and the Fisher Body Corporation all supported the Governor's actions.67

As for the Committee, the President was unflinching in his criticism, assailing its intentions and procedures. The Committee, Roosevelt charged, was politically motivated, providing a forum for headline-seeking individuals. More, the Committee allowed "[m]ere opinion evidence," which had been barred from courtrooms "since the American system of legislative and judicial procedure was started." Advancing an argument that would continue to dog the Committee during its entire existence, the President observed:

At this hearing the Dies Committee made no effort to get at the truth, either by calling for facts to support mere personal opinion or by allowing facts and personal opinion on the other side. On the threshold of a vitally important gubernatorial election, they permitted a disgruntled Republican judge, a discharged Republican city manager and a couple of officious police officers to make lurid charges against Frank Murphy, without attempting to elicit from them facts as to their undeniable bias and...without attempting to obtain from the Governor or, for that matter, from any responsible motor manufacturer, their version of the events.

In making these comments, Newsweek magazine noted, Roosevelt became "the first Chief Executive in living memory to criticize the conduct of a Congressional committee publicly."68

Response to the President's comments came quickly from Murphy's detractors. Former Michigan governor Fitzgerald complained that the President was trying to save Murphy's re-election bid in the same manner that he was attempting to purge his own party of Democrats he did not like. Fitzgerald denied

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the claims that the Dies Committee was an anti-New Deal tool, noting, "[s]urely
the Republican party of Michigan may not be charged with influencing the
committee nor the testimony." Parnell Thomas also entered the debate, arguing
that because it contained five Democrats and only two Republicans, the
Committee could not be accused of partisanship. The real issue, said Thomas,
was that the President and his New Deal bureaucrats, "some of whom I suspect
of being unduly sympathetic with the radical movement in the United States,"
have unremittingly undermined the Committee's work.69

Dies also responded quickly to the press, offering his own formal written
statement on October 26. In it, he continued Thomas' line of argument by again
noting that the Administration had opposed his Committee from the start, and
describing the difficulties the Committee had encountered in attempting to secure
investigators. The Chairman also defended Committee procedures, claiming that
the evidence they gathered would be acceptable in any courtroom and noting
that the witnesses relied on were union officials and the chief of the state police,
a non-partisan civil servant. "That the President has been wholly misinformed is
obvious from his statement," Dies said. "Of course, the President did not hear
the testimony and has not read the record. He is evidently relying upon reports
that have reached him from prejudiced sources." To address questions of
procedural irregularities, Dies suggested that both he and the President appoint
attorneys of their own choosing, with a third to be chosen together, to study the

68 Id.
testimony and evidence and report to the country whether it would be admissible in a court of law. Dies sent his investigators to Detroit with instructions to conduct "a fearless and honest inquiry." They discovered that during the course of the sit-down strikes misdemeanors and felonies were committed which the Governor chose to ignore. "If open and undisguised rebellion is to be counteranced in the name of political expediency," cried Dies, "then constitutional democracy in America will perish." The Committee could not ignore these facts. Dies concluded, because, "[u]nder my conception of public duty it would have been wrong to shield Governor Murphy simply because he was a Democrat and a strong friend of the President." 70

In the face of the President's harsh criticism and under the pressure of running for re-election, dissension among Committee members began to surface. Dempsey and Healey, the two Democrats who remained New Deal supporters, were campaigning in their home states during the blow-up with Roosevelt. In a telegram to the Chairman, they requested he call a recess until after the elections, in part because their campaigns required all of their attention and so they could not participate in hearings, but also because they feared that criticisms of the Committee's activities would hurt their re-election efforts. Before continuing with the hearings, Dempsey and Healey wanted to return to Washington so that the Committee could formulate standard procedures to follow, but Dies was adamant that the proceedings continue without interruption. Because Committee funds were running low, Dies wanted to avoid any

70 Press Release, October 27, 1938, NARA, RG 233, Series 2, Box 4, File: Dies'
postponement. Dies was also concerned that the Committee avoid the perception that it had succumbed to political pressures. Claiming to operating out of a desire to preserve "the fundamental principles of Americanism" and to arm people with facts when they go to the polls, Dies informed the press that the Committee would continue its work without cessation. Unconvinced by Dies' reasoning, Dempsey criticized the Chairman for allowing into evidence "wild and irrational statements, which have no basis in fact and have only for their end the assassination of character...."

He threatened to resign from the Committee, but Dies reassured him that if he would simply read the record, he would be satisfied about procedural fairness.71

The 1938 midterm elections proved to be just short of disastrous for the President. The coalition that he had carefully tended since 1932, began noticeably to shrink. Democrats lost their hold on farmers and the middle class, and the intra-party split between conservatives and liberals widened. Of the candidates the President targeted for defeat in his purge, only one, New York Representative John J. O'Connor, went down to defeat. Despite pressure from the President, local party organizations remained loyal to their candidates who emerged victorious. This strained the relationship between the Roosevelt Administration and local party machines, and strengthened the position of conservatives within the party. Now, rather than pushing through reforms regardless of the position of conservatives, liberals were obliged to compromise.

Answer to President Roosevelt's Statement.

The increased tensions between conservatives and liberals likewise constrained Roosevelt to reach out to the opposition within his own party to avoid a permanent split. Not only did the President's purge succeed only in widening the gap within the party, but Democrats generally lost ground to Republicans. In 1938, the GOP gained eighty-one congressmen, eight senators and thirteen governors.72

The growing split in the Democratic party may be attributed to a number of issues, most of which implicated, if not directly involved, the New Deal. The Dies Committee was able to tap into some of these fears, in particular the notion that increasing union activity enabled by the Wagner Act, and increasing radical activity represented by foreign "isms", when abetted by Communist-sympathetic politicians, led to the kind of lawlessness typified by the sit-down strikes. By linking this threat to Democratic candidates during the 1938 elections, the Committee achieved some impressive results. Of the Committee members up for re-election, Dies, Dempsey and Healey won, while Mosier, feeling the political wrath of the CIO, was defeated. Of the candidates the Committee specifically targeted, the progressive Californian, Culbert Olson, won his election. Because California was believed to be a hotbed of Communism, the Committee's limited success there was expected. The Committee's big victories came in Minnesota and Michigan. The Minnesota Farmer-Laborite Elmer Benson, linked to

Communists by the Committee, lost to Harold Stassen. As for Michigan's Frank Murphy, his defeat caused the *New York Times*’ Arthur Krock to observe that the election returns were a rebuke of the sit-down strikes and the alliance between the CIO and the Democratic party.\textsuperscript{73}

Analyzing his defeat in the *Nation*, Elmer Benson wrote that he believed the red scare played a role, but that the real problem was that the New Deal had simply not done enough to help the farmers in his state. Minnesota voters did not vote Republican in a rejection of the New Deal, Benson wrote, they were merely attracted to the claims that Republicans could accomplish what Democrats had thus far been unable to do—providing farmers “cost of production plus profit.” Benson never mentioned Dies by name. In the same *Nation* issue, Murphy analyzed his race. He condemned the “unconscionable timing of the Dies Committee activities and the creation of the red scare,” but held that what was at issue in the Michigan election was something more fundamental. “On the one side,” said Murphy, stood a government working “against conditions and practices that are unfair to the wage-earner and detrimental to the best interests of the general public.” On the other, was a group that “displayed a cold, disheartening unconcern for the improvement of the lot of common man and governmental reform.” The 1937 recession, the drop in farm prices and

continuing unemployment contributed to a "nation-wide swing that brought reactionary victories in many states."74

Although Benson and Murphy refused publicly to blame Dies for bringing about their defeats, others were not so hesitant. The midterm elections of 1938 proved, fumed Harold Ickes, that "moronic Dies" and his "preposterous Committee" were emerging as an "actual menace." Following his outburst over the Murphy incident and chastened by the election results, Roosevelt returned to his policy of declining publicly to comment on the Dies Committee. Ickes, Frances Perkins, and Harry Hopkins, the administration members who had publicly battled the Committee, continued to regard Dies as an enemy who should be directly attacked. When a December 1938 Gallup Poll showed overwhelming public support for the Committee, their fears that Dies would continue to be a threat to the New Deal were confirmed. "He is publicity mad," Ickes complained, "and the unfortunate Gallup Poll will make him worse than ever."75

In January 1939, Dies released the Committee's first report and asked Congress to extend his investigation for an additional two years and provide it with a $150,000 appropriation. Since most members of the House could agree with Sam Rayburn's assessment that "Martin Dies could beat me right now in my own district," the Committee's future was assured. At the start of the new year

75 Wreszin, "The Dies Committee," pp. 2935-2936; Walter Goodman. The Committee: The extraordinary career of the House Committee on Un-American Activities (New York:
Roosevelt seemed to make some conciliatory gestures to Dies. He prevented Ickes from delivering a speech to the American Legion for Peace and Democracy titled "Playing with Loaded Dies," and did not re-appoint NLRB member Robert Smith, who had been accused by the Committee and the AFL of unfairly aiding the CIO. But Dies did not respond in kind to the President's gestures. A few weeks after issuing its report to Congress, Dies made a statement to the press calling for the impeachment of Frances Perkins for her handling of alien agitators, criticizing Ickes for baiting the Committee and Harry Hopkins for harboring Communists within the WPA. It was apparent, Ickes wrote in his diary, that "if Dies has more money he will be a hair shirt for the Administration for the next two years, because apparently his chief object in life is to smear the Administration, incidental of course to getting publicity for himself." Seeking to reign the Committee in, the President responded to these latest charges from Dies by sending Majority Leader Rayburn and House Speaker Bankhead to talk to Dies about the harm he was inflicting on the Democratic party. The result was that liberal Californian Jerry Voorhis was appointed to the Committee to take the seat left empty by Mosier.  

The House would not act on the Committee's request to continue the investigation until the end of the month. Meanwhile, the contest between the Committee and the Roosevelt Administration continued. After Frank Murphy's

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loss in Michigan's gubernatorial election of 1938, Roosevelt appointed him United States Attorney General. Although Dies attributed the appointment to the President's desire to "console" Murphy after his defeat, the President, while politically indebted to the former governor, was primarily motivated by a need to avoid an overabundance of New Yorkers in his cabinet. Solicitor General and New York native Robert Jackson was the natural heir to replace Homer Cummings as Attorney General, but Roosevelt's cabinet already had three New Yorkers and he planned to appoint another, Harry Hopkins, as Secretary of Commerce. Vice President Garner and Democratic National Chairman James A. Farley informed the President that the Senate would not confirm both men. Roosevelt then turned to Murphy, announcing his nomination for the position in December 1938.77

The Roosevelt Administration expected that the Senate would easily confirm the appointment since a president is generally allowed "to choose his own official family." But in appointing as the nation's top law enforcement official a man who had recently been excoriated for failing to enforce the law during a period of labor unrest, the Administration and Murphy understood that they should prepare for political battle. Murphy took the oath of office on January 2, the day before the release of the Dies Committee Report which revisited the sensitive subject of the sit-down strikes. Ignoring this reminder, a Senate

77 Dies, Martin Dies' Story, p. 123; Sidney Fine, Frank Murphy: The Washington Years (Ann Arbor: University of Michigan Press, 1984), pp. 1-3; Howard, Mr. Justice Murphy, pp. 180-181. Whatever Roosevelt's motivation for appointing Murphy, it was not based on Murphy's legal background. Although he was a lawyer, he had not practiced in many years, and Robert Jackson would comment that Murphy had the least knowledge of
subcommittee quickly confirmed the nomination without holding hearings, then passed the nomination on to the full Senate Judiciary Committee. Several senators, however, advised Murphy that it would be better if hearings were held, enabling him to answer questions and fully defend his actions during the sit-down strikes. Taking their advice, Murphy informed the press on January 5 that he looked forward to the opportunity to appear before the Senate Judiciary Committee and respond to questions. Although the committee had already approved his appointment and reported the nomination to the Senate on January 10, it reconvened three days later for the purpose of hearing from Murphy.\textsuperscript{78}

Before Murphy could appear, however, Michigan Representative Clare Hoffman attacked the Attorney General designate in a House speech that was based upon the claims made in testimony before the Dies Committee—that he failed to protect private property during the strikes and exhibited a greater solicitude toward strike leaders than toward heads of industry and the factory owners. In criticizing Murphy, Hoffman alluded to the testimony of Judge Gadola and State Police Captain Mulbar. Hoffman rejected Murphy’s explanation that the heads of General Motors and Chrysler, hoping to avoid labor violence, had approved of his actions. GM and Chrysler, Hoffman asserted, found it more profitable to deal with labor dictators such as CIO leader John L. Lewis than with local organizations. "Let John L. Lewis and General Motors and Chrysler officials join hands in hailing Frank Murphy as the arbitrator of his troubles," cried

\footnote{federal laws and procedures of any attorney general he had known. Fine, \textit{Frank Murphy: The Washington Years}, p. 14.}
Hoffman. "He receives no such commendation from the workers or the citizens of Michigan." When Sam Rayburn asked Hoffman why he was speaking out against the nomination of an individual who would almost certainly be confirmed by the Senate, Hoffman replied, "I want the people to know what kind of advisors [Roosevelt] has; whether we have men who believe in government by law or whether we are to have as chief law advisor a man who has suspended the operation of the laws...."79

The accusations leveled by the Dies Committee came when Murphy was busy waging his re-election campaign. This time the former governor was able to respond directly and quickly to the charges. Murphy's appearance before the Judiciary Subcommittee was, by all accounts, a bravura performance. He was the only witness at the hearing, which provided him an opportunity to read a prepared statement regarding the strike. The subcommittee members asked Murphy few questions. He stated that it had been his belief from the beginning that the sit-down strikes were illegal.80 He explained, as he had unsuccessfully attempted to do in October 1938, that he did not immediately enforce the Court order to remove the striking workers from factories because he was hoping to provide more time for the parties to come to a peaceful settlement. Murphy then

80 Dies would later claim that as an Associate Supreme Court Justice, Murphy arranged a meeting with him to confess that he was ashamed of his role in the sit-down strikes but had been pressured by the President and others. The Justice allegedly went on to tell Dies that he believed Communists had infiltrated the government and that Dies was the only man who could stop it. Dies, Martin Dies' Story, p. 124.
presented the subcommittee with letters from the President, Felix Frankfurter, and the Ford Motor Company praising his handling of the crisis, as well as two approving editorials from the Detroit Free Press and the Detroit News. But the letter that had the subcommittee members "frankly pop-eyed," was his stiffly worded missive to John L. Lewis instructing the labor leader to obey the court order and stressing the importance of respect for the law. This letter directly countered the claims that Murphy had been in collusion with labor leaders to disobey the courts. As Murphy explained to the subcommittee, he had never intended to flout the injunction. Nevertheless, what had been at stake during the strike was not simply a matter of reigning in a few lawbreakers, but the claims of "thousands of self-respecting workers who felt that they had genuine grievances of long-standing." When faced with widespread civil disobedience, Murphy argued, "it is not enough to enforce the law; it is also necessary to discover and eliminate the causes of that widespread disobedience." 81

The subcommittee voted in favor of the nomination a second time and the matter went before the full Senate, where some critics remained. Disregarding Murphy's rationale and the fact that the strike was settled peacefully, North Carolina Senator Josiah Bailey argued that "[t]emporizing with a mob is not preventing bloodshed. It is inviting bloodshed....the suppression of the mob is always necessary to prevent greater bloodshed." New Hampshire Senator Styles Bridges was more pointed in his comments, questioning why it was that it took two years for Murphy to publicly state that he believed the strikes to be

81 Fine. Frank Murphy, pp. 5-6; Congressional Record, 76th Congress, January 17,
illegal and to show the public the letter he wrote to Lewis. Murphy’s response was that he did not mention his position on the strikes during his losing re-election campaign nor during the time before he left office because labor negotiations were ongoing. In his role as mediator he did not want to alienate either side by making his position public. The Senator dismissed this explanation, remarking, "That is pretty noble, pretty self-sacrificing. By what logic would a plain assertion of just policy impair the efficiency of a Governor’s arbitration powers?" Bridges went on to assail Murphy’s "communistic associations." The arguments of Bailey and Bridges were to little avail, however, as the Senate overwhelmingly confirmed the nomination by a vote of seventy-eight to seven.82

Despite Murphy’s statements before the Judiciary subcommittee and his confirmation by the Senate, the controversy over the sit-down strikes would not fade away. The issue arose again during the House debate regarding the continuation of the Dies Committee and would reemerge during every subsequent controversy surrounding the Attorney General

Those of Murphy’s critics who were concerned about his alleged “communistic associations” were particularly bothered by Roosevelt’s subsequent announcement that he planned to have the Justice Department investigate the individuals and organizations identified as subversive by the Dies Committee. Murphy had received this news at the first cabinet meeting he attended, prior to his final confirmation. Roosevelt reported to the press on

1939, pp. 413-417.
January 6 that the Justice Department would investigate all alleged violations of criminal statutes by Communists, fascists or Nazis, as described in the recently released Dies Committee Report. Despite his past problems with the Justice Department and the fact that it was now headed by a man he had played a large role in defeating for re-election, Dies informed the press that he applauded the action and accepted it "in good faith." Responding to implications that this might be a move on the part of the Administration to circumscribe the activities of his committee, Dies noted that the present dearth of laws related to subversive activities limited the Justice Department to investigations only of violations of the Espionage Act of 1917 and the Registration Act of 1930. The Justice Department's statutorily restricted area of operation meant that there would be plenty of work uncovering un-American activities left for the Committee to perform. If the investigations by the Department of Justice were calculated to block the Congressional resolution seeking to renew the Committee or to limit its funding, Dies warned, "I believe it will incense the American people more than would a straight-out fight against continuing our investigation."83

By the end of the month, however, Dies' attitude toward the Justice Department investigations had soured. Not only was he angry that government agents had probed into his finances and discovered that he owed back taxes, but he was concerned about rumors that the Justice Department was investigating

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82 Congressional Record, 76th Congress, January 17, 1939, pp. 422, 410-411, 429.
witnesses who had appeared before the Committee. "If these reports are true," Dies told the press, "we are facing a serious situation when, instead of investigating subversive activities, the Department of Justice spends its time and the taxpayer's money investigating a congressional committee." The resolution regarding the Committee's continuation had just passed through the Rules Committee and was headed to the House floor when Dies lashed out at the Justice Department, claiming it "sought to intimidate" past Committee witnesses in an attempt to undermine his investigation.84

Any suspicions Dies held regarding Frank Murphy and the new Justice Department investigation were probably correct. Murphy, despite Dies' accusations to the contrary, was no friend to communism and fascism. But neither did the Attorney General hold the Dies Committee in high regard. Murphy believed that un-American activities needed investigating, but that the Justice Department was better suited for the job than the Dies Committee. Moreover, Murphy was concerned that Dies would smear liberal and progressive groups along with groups that could be considered un-American. Murphy also hoped to garner for himself the political credit for uncovering un-American activities, rather than let the glory go to anti-New Dealer and political enemy Dies. As Solicitor General Robert Jackson noted, the relationship between the Justice Department and the Dies Committee had in the past been "one long headache." In early 1939, future relations looked equally bleak.85

Chapter Five:  
"Absolute lawlessness and a reign of terror": Communist Infiltration into the CIO

The Committee is emphatic in its belief that a strong and vigorous labor movement is an element of strength in the life of our democracy. But the committee must assert that the Communist Party is interested in trade-unions primarily for the purpose of attempting to utilize those labor organizations for the benefit of Russian dictatorship and its foreign policies.


Communist penetration into the Congress of Industrial Organizations (CIO) was a favorite and enduring Committee target. Targeting the CIO served two purposes. First, it embarrassed the President and his pro-labor allies. The labor policies of the New Deal, particularly the passage of the Wagner Act in 1934, marked a turning point for American workers. For the politicians and business leaders opposed to the new collective bargaining system, the CIO’s drive to organize mass industries represented a dangerous development. Not only did it show workers the road to achieving parity—an equality of bargaining power—with their employers, but there existed also the disturbing aspect of the CIO’s cozy relationship with the Communist Party. This latter concern fed the second purpose of the CIO inquiry: it tied into the Committee’s investigation of the Communist Party’s “Trojan Horse tactics,” i.e., the use of deceit and deception “to penetrate to the very heart of the enemy’s camp.”

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Even had Dies been unable to exploit the CIO issue for political advantage, the labor organization would not have escaped the Committee’s notice. As Dies stated in The Trojan Horse in America, ghostwritten by J.B. Mathews, “American labor has borne the brunt of the Communist Party’s effort to pursue its policy of penetration of mass organizations; and to a degree that effort has been successful.” The Committee’s goal was to make plain to the public that the Communist Party played an influential role in the CIO, that it was attempting to gain total mastery over the organization, and that the Soviet Union, through the Comintern, controlled the Communist Party. Foreign control over the American labor movement presented a danger not only of manipulation to serve the needs of the foreign power, but also “might in time of stress lead to sabotage and espionage.”

Although Communist influence in the labor movement and the threat of foreign manipulation were legitimate issues, unfortunately, as with many other areas of the Committee’s inquiry, the evidence presented to support this argument was often suspect, and the investigation became so entangled in New Deal politics that its conclusions, although generally correct, were tainted. While the Committee’s CIO investigation ranged broadly, this chapter will concentrate on the testimony of the AFL’s John Frey and the controversy surrounding the failed attempts to deport Australian-born labor leader Harry Bridges.

When Dies became chair of the Un-American Activities Committee, few in the House of Representatives or in the Roosevelt Administration would have been surprised to learn that he would make the CIO one of his early marks. The status of labor during the Depression was an important and contentious public

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issue that had become mired in New Deal politics. When Roosevelt took office in March 1933, the number of unemployed workers had jumped from 13,204,000 the previous November, to 15,071,000. For the remainder of the decade, unemployment never fell below 14% of the labor force, or 21% of the agricultural labor force. Moreover, joblessness varied by region with industrialized areas often suffering a disproportionately high rate. One consequence of the high unemployment rate was further to enfeeble unions, which had struggled throughout the 1920s. Demoralized workers lacking jobs, opportunities, or hope of upward mobility, were also without bargaining power. These extreme conditions generated social unrest that manifested itself in eviction riots, mass marches and an epidemic of strikes. Upon assuming office, Roosevelt was concerned more with revitalizing the economy than with protecting workers' right to organize. In some instances both could be accomplished, but at other times Roosevelt advanced labor's cause only to the extent that he needed its political support. By the end of the decade, however, organized labor experienced a remarkable renaissance. In 1932, three million American workers belonged to unions, by 1940, the number had reached eight million, and by the end of World War II, thirteen million. For this reason, the Depression years are usually viewed as a turning point for American labor. But it is doubtful that unions could have accomplished this change without corresponding changes in the legal and regulatory structure.\(^3\)

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\(^3\) Melvyn Dubofsky, "Not So 'Turbulent Years': Another Look at the American 1930s"; \textit{Labor}, Melvyn Dubofsky and Stephen Burwood, eds. (New York: Garland Publishing, Inc., 1990), p. 286; Irving Bernstein, \textit{Turbulent Years} (Boston: Houghton Mifflin Company, 1970), p. 1; James N. Gregory, "The Unmaking of the American Working Class: Another Look at the Wagner Act," \textit{Reviews in American History}, September 1986, p. 416. For a view that counters the idea of the 1930s as "turbulent years" see generally Melvyn Dubofsky. "Not So 'Turbulent Years.'" The assertion that the change in the legal structure that accompanied the passage of the Wagner Act was favorable to labor has been subjected to critiques ranging from the New Left to Critical Legal Studies. The New Left critique asserted that the Wagner Act was a scheme of capitalists and
Prior to the Great Depression, American workers had received very little statutory protection for their right to organize. Employees theoretically had the “right” to join unions. But as the NLRB’s first chairman J. Warren Madden observed, the problem was that “employers had the ‘right’ to visit upon employees who exercised their ‘right’ the most awesome consequences.” Any employee who attempted to join a union, or even speak to a union organizer, could be fired. Complicating matters for workers, most judges were willing to use legal barriers to stymie labor actions such as strikes. The use of criminal conspiracy in the early 19th century, and civil injunctions and the Sherman Anti-Trust Act in the latter part of the century, contributed to the struggles that challenged early labor movements such as Terence Powderly’s Knights of Labor and Samuel Gomper’s American Federation of Labor (AFL).4


4 J. Warren Madden, “The Origin and Early History of the National Labor Relations Board,” George Washington Law Review, December 1960, p. 235. The doctrine of criminal conspiracy, first used in the 1806 Philadelphia Cordwainer’s Case, held that when workers combined to seek higher wages it was an unlawful interference with the natural operation of the free market. It was not their actions, but the fact of the combination itself that was illegal. The doctrine of criminal conspiracy proved to be a successful bar to organizing efforts for the next thirty-five years, until it was rejected by Chief Justice of the Massachusetts Supreme Court Lemuel Shaw in his 1842 opinion of Commonwealth v. Hunt. Shaw held that for a conspiracy to be illegal, the purpose of the conspiracy must be illegal. Following this holding, courts began regularly to reject the
Although legislation and government initiatives protecting labor's rights began to appear in the 20th century, unions continued to founder throughout the 1920s. The business boom of the decade sparked the growth of corporations criminal conspiracy doctrine. A court was now less likely to object to the mere fact of combination, but more likely to object to the tactics employed by labor organizations. After the Civil War, the Knights of Labor and the AFL expanded their organizational efforts, which in turn increased strike activity. With criminal conspiracy cases on the wane, employers instead sought to enjoin unions from engaging in certain activities, particularly strikes and picketing. Philadelphia Cordwainer's Case, 3 Doc. Hist. of Am. Ind. Soc. 59 (2d ed. Commons, 1910); Commonwealth v. Hunt, 45 Mass. (4 Met.) 111 (1842); Leonard Levy, The Law of the Commonwealth and Chief Justice Shaw (Oxford: Oxford University Press, 1957), pp. 183-190; Christopher Tomlins, Law, Labor, and Ideology in the Early American Republic (Cambridge: Cambridge University Press, 1993), pp. 129-133. On the labor injunction, see Forbath, Law and the Shaping of the American Labor Movement, pp. 59-61, 67-68; Harry A. Millis and Emily Clark Brown, From the Wagner Act to the Taft-Hartley (Chicago: University of Chicago Press, 1952), pp. 3-14. With the doctrine of criminal conspiracy discredited, labor injunctions became the preferred method to combat unionization. If a strike continued after a court issued an injunction, the strikers were considered in contempt of court, which then justified the use of state or federal troops to break the strike. The most infamous use of the labor injunction was against the Knights of Labor in its 1877 strike against Jay Gould's Southwest railroads. The 1890 Sherman Antitrust Act reinforced the labor injunction as a strike-breaking method by outlawing combinations or conspiracies in restraint of trade. A major purpose of the act was to combat monopolies, but its vague language enabled employers to use the statute against strikers. The most famous application of the Sherman Act came during the Pullman Strike of 1894. After a court issued an injunction against the strikers, President Cleveland sent federal troops to enforce the order and shut down the strike. The Supreme Court upheld the use of the Sherman Act against unions and businesses, and the right of federal intervention in In re Debs. Irving Bernstein, The Lean Years: A History of the American Worker, 1920-1933 (Boston: Houghton Mifflin Company, 1960), p. 206; Jeremy Brecher, Strike! (Boston: South End Press, 1997), pp. 96-114; United States v. Debs, 64 F. 724 (N.D. Ill. 1894); In re Debs, 158 U.S. 564 (1895).

5 In the 20th century, the AFL successfully lobbied for passage of the 1914 Clayton Act, which was intended to forbid the use of antitrust laws against unions. Unfortunately, Section 20 of the statute stated that injunctions were banned against unions "unless necessary to prevent irreparable injury to property... for which there is no remedy at law." This exception swallowed the rule and ultimately failed to change the prevailing legal standard. The next effort to afford workers a measure of federal protection came during World War I. To secure uninterrupted wartime production, the National War Labor Board banned lock-outs and forbade employers from interfering with the workers' right to organize and bargain collectively. But the Board also proscribed strikes and protected the open shop, a policy that, along with the Board's promotion of company unions, prevented any real growth of organized labor during the war. On the Clayton Act, see Bernstein, The Lean Years, pp. 206-207; Clayton Act, 38 Stat 730 (1914). On the War Labor Board, see Millis and Brown, From the Wagner Act to Taft-Hartley, pp. 16-17; Gerald D. Nash, "Franklin D. Roosevelt and Labor: The World War I Origins of Early
and an increased concentration of capital. The AFL, which was interested primarily in organizing small groups of skilled workers into craft unions, failed to organize the mass of unskilled workers in large industries such as coal and railroads. This meant that the AFL was unable to organize sufficient numbers of workers to challenge larger and more powerful corporations. Corporations also maintained the upper hand through company unions and corporate welfare programs that offered workers health care, stock options, and some job security. If these methods failed, corporations could choose from among some two hundred detective agencies to carry out industrial espionage. Detective agency spies infiltrated factories and unions in order to report the names of persons who supported unionization, inform employers of strike plans, provide affidavits for companies seeking injunctions, and discredit union leaders among the workers. Detective agencies also provided scabs and strikebreakers in the event of a


The two major labor victories between the end of the First World War and the start of the Great Depression, the Railway Labor Act of 1926 and the Norris-LaGuardia Act of 1932, occurred on the national level. The Railway Labor Act was the first federal peacetime statute to sanction bargaining between a union and management. It required compulsory arbitration before a National Railroad Adjustment Board to hear wage, hour, working condition and contract interpretation disputes. The Norris-LaGuardia Act made yellow dog contracts unenforceable in federal courts and barred federal courts from enjoining coercive activities by unions that did not involve fraud or violence. Yellow dog contracts, which contractually forbade workers from joining or attempting to join a union, were a popular device used by employers to block labor organization in the 1920s. The latter part of the Norris-LaGuardia Act, along with the Supreme Court holding in United States v. Hutcheson, protected picketing and boycotts, thereby providing unions with an effective means of combating employers. See Railway Labor Act of 1926, 44 Stat. 577 (1926). The Supreme Court upheld the statute in Texas & New Orleans Railroad v. Brotherhood of Railway and Steamship Clerks, 281 U.S. 548 (1930). Congress amended this statute to include airlines in 1936. It continues to be the basis for rail and air collective bargaining today. See also, Norris-LaGuardia Act, 47 Stat. 70 (1932); United States v. Hutcheson, 312 U.S. 219 (1941).
strike. Industrial espionage, coupled with the blacklist, successfully countered most organizing efforts.\(^6\)

The tide did not really turn for labor until the New Deal. Section 7(a) of the 1933 National Industrial Recovery Act (NIRA) promised workers the right to organize and to bargain collectively. The passage of NIRA reversed the downward spiral of American unionism and brought a new militancy to the cause. Under NIRA auspices, the AFL began a campaign that resulted in an upsurge in organization. Most employers, however, failed to bargain in good faith, fired employees active in organizing efforts, and urged the acceptance of company unions. This conflict initiated a massive strike wave in 1933, in which the primary issue was usually the basic right to organize and bargain collectively. To mediate the disputes arising under Section 7(a), in 1933 the President created a National Labor Board (NLB), chaired by New York Senator Robert F. Wagner. But Roosevelt announced the creation of the NLB without issuing an Executive Order. As a result, the Board was unable to require compliance with its decisions and had to rely on the cooperation of employers and unions.\(^7\)

The inherent weaknesses of the NLB prompted Wagner and his NLB staff to begin drafting new legislation to create a labor board with quasi-judicial powers.

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\(^7\) Sidney Fine, "Government and Labor Relations During the New Deal," *Current History*, September 1959, pp. 140-142; Bernstein, *Turbulent Years*, pp. 27-36, 172 et seq.; Melvyn Dubofsky, *The State and Labor in Modern America*, pp. 111-119. The culmination of earlier statutes, NIRA called for trade or industrial associations to create codes of fair competition that established wage, hour, and working conditions for the industries in question. But the most significant section of the new law related to workers. Section 7(a) protected "the right of workers to organize and bargain collectively through representatives of their own choosing." It stated further that employers could not coerce workers to join or refrain from joining any union, or require workers to join a company union as a condition of employment. *Id.*
that could function in manner similar to the Federal Trade Commission. Section 7 of the resulting National Labor Relations Act of 1935, or Wagner Act as it was popularly known, guaranteed the right of workers to form, join, or assist labor organizations, the right to collectively bargain with employers, and the right to engage in concerted activity for the purpose of collective bargaining or mutual aid and protection. Going further than NIRA, Section 8 of the NLRA defined “unfair labor practices” on the part of employers, including interfering with the rights granted in Section 7, forming company unions, and discriminating against employees for joining unions. Section 8 also authorized the NLRB to administer the act, including designating the bargaining unit which was to be chosen by the majority of the workers, establishing that the unit was to be the exclusive representative of the employees, and requiring management to bargain in good

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8 Peter H. Irons, The New Deal Lawyers (New Jersey: Princeton University Press, 1982), pp. 204-205; Arthur M. Schlesinger, Jr., The Coming of the New Deal (Boston: Houghton Mifflin Company, 1959), pp. 146-149; Millis and Brown, From the Wagner Act to the Taft-Hartley, pp. 22-24; Dubofsky, The State and Labor in Modern America, pp. 116-123; Madden, “The Origin and Early History of the NLRB,” pp. 236-237. Although extensive hearings were held on the Wagner Labor Relations bill, the President intervened with his own legislation, introduced by Senate Majority Leader Joseph Robinson. This bill, known as Public Resolution 44, created a National Labor Relations Board with the authority to mediate issues arising under Section 7(a), and to conduct elections to determine employee representation. Again, however, the NLRB was left without enforcement powers. Deferring to the President, Wagner dropped his bill and supported Public Resolution 44, which became law in June 1934. Id.

A renewed wave of strikes accompanied passage of Public Resolution 44, but as they had done with the NLB, employers ignored NLRB rulings. The strikes at the Electric Auto-Lite Company in Toledo, Ohio; a truckdrivers’ strike in Minneapolis; the longshoremen’s strike in San Francisco that thrust Harry Bridges to the fore of American labor and led to a general strike; and the 350,000 textile workers who walked off the job in New England and in the South, were only some of the 1,856 strikes marking a year that labor historian Irving Bernstein referred to as one of “social upheaval.” Although violence had long been a common feature of industrial disputes, in addition to the sheer numbers of job actions, this strike wave was particularly violent, with clashes between strikers, strikebreakers and police causing hundreds of injuries and many deaths. In the wake of this turmoil, and after the elections of November 1934 produced a Congress controlled by Democrats and progressives, Wagner introduced a second labor relations bill. Bernstein, The Turbulent Years, p. 217; National Labor Relations Act of 1935, 49 Stat. 449 (1935); Madden, “The Origin and Early History of the NLRB,” pp. 238-241; Dubofsky, The State and Labor in Modern America, pp. 123-127.
faith with the union. The NLRB was now a permanent body with powers of enforcement and whose decisions were subject to judicial review. Roosevelt signed the bill on July 5, 1935.  

All of these changes in the legal and administrative structure related to organized labor met strong resistance from members of Congress, business interests and the press. In the hearings held for Wagner's bill, the National Association of Manufacturers as well as representatives of various industrial interests argued against the new legislation and in favor of employee representation plans. Roosevelt, meanwhile, with his wide-ranging and far-reaching New Deal agenda, proved to be in labor's camp only to the extent that political exigencies would permit. But by the summer of 1935, circumstances dictated that Roosevelt throw his belated support behind the new legislation. Not only had the country just experienced an unsettling round of industrial strife, but in May, the Supreme Court struck down NIRA and Section 7(a) in Schechter Poultry Corporation v. United States. Roosevelt gave Wagner's new bill his public endorsement on May 24, only after it had become obvious that Congress would pass it, and only days before the Schechter decision.

The constitutionality of the statute was by no means secure. In passing it, Congress relied on a theory based on the commerce clause of the Constitution that had not fared well before the Supreme Court—most recently in the Schechter decision. The uncertain status of the new agency resulted in continued employer defiance of NLRB holdings. By the time the Dies Committee


began investigating the CIO, the Supreme Court had already upheld the constitutionality of the Wagner Act in *NLRB v. Jones & Laughlin Steel Corporation*. But the ruling did little to dissipate the hostilities forged in the crucible of the labor struggle.\(^{11}\)

As previously stated, Dies' investigation into Communist infiltration of the CIO was part of a larger goal: to illustrate how the CPUSA penetrated American organizations as part of a strategy planned by the Soviet Union and executed by the Communist International (Comintern) to "instigate[e] class warfare and social revolution in all countries, in order to establish a world Soviet Union, with the capital at Moscow." This goal, the Committee wrote in its 1939 annual report, was to be carried out through the use of "strikes, riots, sabotage, and

\(^{11}\) The NLRB soon found its hands tied by a flurry of injunctions filed against it in federal district courts by the American Liberty League. Founded by industrial business interests and corporate executives, the American Liberty League was dedicated to promoting the free market, private property, and a return to the 19\(^{th}\) century idea of rugged individualism. The League viewed the Wagner Act as yet another inroad the New Deal had made on its way to a planned economy. Acting through pamphlets, radio addresses, press releases and the filing of 83 injunctions within an eight month period, the League applied as much pressure as it could against the new labor board. The League's National Lawyer's Committee also issued 80,000 copies of its "Report on the Constitutionality of the National Labor Relations Act." This Report served as a 132-page brief to guide corporation attorneys fighting compliance with the act. This strategy was remarkably successful.

The NLRB was hamstrung, afraid to move forward through the judicial system for fear that the Supreme Court would strike the entire statute. The La Follette Civil Liberties Committee to investigate employer unfair labor practices was born of this impasse. Chaired by "Young" Bob La Follette, a progressive New Dealer, the investigation was devised as a way to "take the heat off" the NLRB by providing a counter-thrust to the Liberty League injunctions, to show that the Roosevelt Administration was serious about enforcement of the Wagner Act, and to illustrate the "latent fascism" in American capitalism. Frederick Rudolph, "The American Liberty League, 1934-1940," *American Historical Review*, October 1950, pp. 19-23; *First Annual Report of the National Labor Relations Board*, June 30, 1939, pp. 46-47; *Hearings Before a Subcommittee of the Committee on Education and Labor, United States Senate*, Testimony of Heber Blankenhorn, pp. 46-48; Gilbert J. Gall, "Heber Blankenhorn, the La Follette Committee, and the Irony of Industrial Repression," *Labor History*, Spring 1982, pp. 248-249; Jerold S. Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (Indianapolis: The Bobbs-Merrill Company, Inc., 1966), pp. 61-62.
revolutionary activity leading to civil war and revolution." The main principles of the Comintern, the report continued, included the overthrow of the capitalist system and its replacement by "proletarian power; dictatorship of the working class." The danger, Dies later wrote, lay not simply in the economic views of Communist union men, but in the fact that the foreign control over them leads to "sabotage and espionage, and in the ‘rule or ruin’ policy that is so disruptive to the labor organizations themselves."12

By concentrating on the issue of Communist penetration of labor unions, the Committee could claim it was not acting out of animus toward the CIO, on the contrary, its investigation ultimately benefited the organization. The labor movement, the Committee noted in 1941, sought to improve the conditions of American workers and to secure for them "a place of partnership in the industrial life of the United States." The goal of Communists, on the other hand, was to establish unions as schools of communism "to increase in every possible way the antagonism between wage earners and other sections of the population," and to "prostitute" the labor movement to the Soviet Union's international goals, even at the expense of the welfare of workers. "It would be hard to imagine a more colossal pretense than that which holds that the Communist theory of trade unions on the one hand and the congressional theory of collective bargaining embodied in the National Labor Relations Act on the other hand are one and the same thing," wrote Dies/J.B. Mathews in The Trojan Horse in America. In the Committee's view, therefore, it was aiding the CIO by identifying Communists who sought only to use organized labor for their own purposes.13

13 The quoted passage is taken from Martin Dies' Trojan Horse in America, but an almost identical passage, with only a few minor word changes ("difficult" was substituted for "hard") is to be found in J.B. Mathews' Odyssey of a Fellow Traveler. See Dies, The
The aspect of this plan that the Committee found to be most worrisome was the Communist Party’s use of “Trojan Horse tactics.” In its 1939 report, the Committee quoted a passage from Georgi Dimitrov’s address to the Seventh Comintern Congress in which he discussed this insidious scheme:

Comrades, you remember the ancient tale of the capture of Troy. Troy was inaccessible to the armies attacking her thanks to her impregnable walls, and the attacking army, after suffering many sacrifices, was unable to achieve victory until with the aid of the famous Trojan horse it managed to penetrate to the very heart of the enemy’s camp. We revolutionary workers, it appears to me, should not be shy about using the same tactics.

Although the “enemy’s camp” to which Dimitrov referred was fascism, it was a reasonable leap to imagine, as Dies did, that Communists might also employ these tactics against the enemy of capitalism. Indeed, the Committee turned to other Party pronouncements to illustrate Communist’s intentions for organized labor. In its 1941 report, the Committee quoted CPUSA leader William Z. Foster: “It is particularly important for the purpose of winning over the majority of the proletariat, to gain control of the trade-unions....” The Committee Report also quoted another CPUSA leader, Earl Browder: “Only by constant and persistent work in the trade-unions and in the factories for the steadfast and energetic defense of the interests of the workers...will it be possible to win the leadership in the workers’ struggle and to win the industrially organized workers over to the side of the Party.” Quoting Stalin, Lenin, and the one-time head of the Red International of Labor Unions, Arnold Lozovsky, the Committee argued that the Party viewed unions as “school[s] of communism” and dress-rehearsals for revolution. “[T]hey are the school of war of the workingmen in which they

prepare themselves for the great struggle which cannot be avoided," Lozovsky wrote, quoting Marx.  

The Committee cautioned that the Trojan Horse manifested itself in many forms. Rather than create separate unions, the Party now "penetrate[d] legitimate trade unions and...seize[d] strategic positions and offices." Forming fractions within unions, Communists utilized their superior organizing skills to gain leadership positions. Where Communists once supported their own political candidates on a separate ticket, now, following Trojan Horse tactics, if they put up their own candidates it was merely for deception. In reality, they secretly supported left-wing candidates in the major parties. Another version of the Trojan Horse was the Party's creation of front groups, the "numerous organizations with high-sounding titles and laudable objectives" whose members were not aware that the organization was under the control of Communists. With its adoption of the Trojan Horse tactics, the Committee believed the CPUSA entered upon a new and dangerous phase: "It is not the open and undisguised activity of the Communists that we need fear....It is rather the subversive and insidious way in which they go about their destructive work."

The Committee, under the guidance of Research Director Mathews, understood that Dimitrov's call for Communists to join organizations and attempt to subvert them from the inside was part of the Comintern's Popular Front against fascism, officially instituted in the summer of 1935, and the latest in a

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long line of policy changes.\textsuperscript{16} Previously, Communists had expressed contempt for the reformist tendencies of the American labor movement in sentiments that paralleled those expressed by Lenin in his famous 1902 tract, \textit{What Is To Be Done?} In it, Lenin developed his idea for the creation of a revolutionary vanguard to build a mass movement and lead it to victory over the tsar. Lenin rejected the idea that, on its own, the labor movement would be able to lead and complete a revolution. The labor movement was capable only of trade unionism—of instituting reforms to better its lot. If left to their own devices, trade unionists would be satisfied with securing a place among the bourgeoisie. But since workers were the true revolutionary group, it was nevertheless important for an educated elite, the vanguard, to link themselves to the mass of workers through trade unionism. The trained, professional revolutionaries would educate and lead the workers, and help them understand the inadequacy of their reformist goals. Communists were, therefore, instructed to form sectarian, radical unions that were independent of reformist trade unions.\textsuperscript{17}

By 1920, Lenin had modified his views, and this change filtered out to the member parties of the Comintern. Lenin's original idea had been based on the belief that a world revolution was imminent. But as the remoteness of such an

\textsuperscript{16} Harvey A. Levenstein, \textit{Communism, Anticommunism, and the CIO} (Westport: Greenwood Press, 1981), pp. 4-5. At the time of the founding of the Comintern in 1919, there were two competing American Communist parties, both having split from the Socialist Party of America. The Communist Party (CP) consisted primarily of the foreign-born, while native-born Americans comprised the Communist Labor Party (CLP). Despite their other differences, both parties shared the same attitudes toward organized labor. They scorned the conservative AFL, choosing instead to organize workers into true, left-wing unions. But the reality was that neither party played a large role in the labor movement during these years, in part because the Palmer Raids had driven the Party underground, but also because neither the CP nor the CLP was satisfied that any of the strikes were sufficiently radical. Both Communist parties criticized the wage and hour and working condition reforms sought by workers, urging instead that workers think about the larger goal of a proletarian revolution. \textit{Id.}

event became apparent, Lenin changed strategies, promoting instead a united front that entailed making alliances with non-left mass organizations such as the AFL, and other labor and farmer-labor parties. Communists were now to work within the mass organizations that sought the eight hour day and other bread and butter reforms. The Party, meanwhile, would remain an illegal, underground organization devoted to overthrowing capitalism. The Party ordered the dismantling of dual unions and cooperation with the AFL. Overthrowing the capitalist system was temporarily on the back-burner.\(^{18}\)

In 1928, the Comintern shifted direction again, taking a sectarian turn to the left known as the Third Period. Proclaiming that the end of capitalism was at hand, at the Sixth Comintern Congress the strategy of allying with reformists in order to control mass organizations was rejected in favor of a renewed dual

\(^{18}\) V.I. Lenin, "Left-Wing Communism: An Infantile Disorder," in *The Lenin Anthology*, Levenstein, *Communism, Anticommunism, and the CIO*, p. 5; Edward P. Johanningsmeier, *Forging American Communism: The Life of William Z. Foster* (Princeton: Princeton University Press, 1994), pp. 161-163. To implement this policy, under the leadership of William Z. Foster the Party established the Trade Union Educational League (TUEL) as the labor section of the CPUSA. TUEL coordinated Communists' work within the mainstream labor organizations. Communists were instructed to become "good union men," to ingratiate themselves with their fellow laborers by working harder at union activities than anyone else. Once Party members propped themselves into leadership positions by this willingness to work hard, they could then promote their radical agenda. Although this boring from within strategy succeeded in only one instance—the fur workers' union—the TUEL attempted to implement this policy in battles for control over the United Mine Workers, the Needles Trades, the Amalgamated Clothing Workers, and the International Ladies Garment Workers Union, only to be met with red-baiting, purges and expulsions. Levenstein, *Communism, Anticommunism, and the CIO*, pp. 6-13.

The TUEL was actually a creation of William Z. Foster, not the Communist Party. Foster founded the TUEL to stimulate radical activity within labor unions. When Foster became interested in communism, he joined the Party with the understanding that the TUEL would be made the labor section of the CPUSA, but Foster would be free to run the organization as he saw fit. Johanningsmeier, *Forging American Communism*, pp. 162-164.
union policy. The Party decried reformism and reminded members to keep striving toward the larger goal of a proletarian revolution. 19

Finally, the Party line changed again at the Seventh Comintern Congress in 1935. Fearing the rise of Hitler and the spread of fascism in Europe, the Comintern announced a Popular Front against fascism. Dual unionism was denounced once more and boring from within was again the order of the day. 20

When the Dies Committee warned the nation of the danger posed by Communist infiltration of the American labor movement, its concerns were not without merit. But it could not erase the image that political considerations motivated its decision to target the CIO. On its first day of hearings in August 1938, the Dies Committee conformed to the presumed purpose of the investigation—uncovering domestic and foreign propaganda in the United States that attacked constitutional government—by concentrating on the German-

19 Levenstein, Communism, Anticommunism, and the CIO, pp. 13-20. The Party transformed the TUEL into the TUUL, the Trade Union Unity League. TUUL was to coordinate the formation of new industrial unions. In areas where the Party did not have enough strength to form a dual union, local unions and shop committees were merged to form industrial leagues, which could later serve as the basis for an industrial union. Some Party members were allowed to continue on as a minority in conservative AFL unions. Between 1931 and 1933, the TUUL established ten industrial unions. Most were small, but provided Communists with invaluable training in the organizational skills that would later be put to use in the CIO. Id.
20 Levenstein, Communism, Anticommunism, and the CIO, pp. 23-26. Returning to a boring from within strategy was not a problem for the TUUL, which had never really threatened the existence of the AFL. Even unskilled industrial workers who resented the craft focus and conservatism of the AFL were never attracted to the weaker TUUL. Although the increased organizing activity sparked by the passage of NIRA benefited these Communist unions, it proved to be a much bigger boon to the AFL. In some industries the TUUL never managed to form its own unions and Party members never left the AFL. After the advent of the Popular Front, the TUUL approached the older craft union about a merger, but AFL leaders William Green, Mathew Woll, and John P. Frey, all anticommunists, refused to consider the proposal. Nevertheless, Communists began to filter back into AFL locals. The AFL leadership warned its locals to be aware of this
American Bund. But on the second day, the Committee turned to the CIO. The New Republic suggested political machinations were behind Dies' eagerness to challenge the labor organization. The magazine alleged that in a lengthy meeting prior to the opening of the hearings Dies and Vice President Garner devised a plan for the congressman to lead a frontal assault against the industrial union. The publicity generated by Dies would undermine the President and build support for an eventual pro-Garner, anti-Roosevelt delegation to the 1940 Democratic Convention. In doing so, Dies would curry the favor of Garner, as well as oil interests in Texas.\textsuperscript{21}

Turning up the heat under the CIO would and did score political points for the congressman, but as previously stated, this was likely only an added benefit. Because he believed the CIO was rife with Communists, Dies needed little extra incentive to launch the inquiry. He wanted to prove that a direct line could be drawn from the Soviet Union, through the Comintern, to the CPUSA, to control the CIO. According to Dies, he approached CIO leader John L. Lewis prior to the start of the hearings to tell him that the Committee planned to investigate his union. Dies asked the labor leader to assist him in exposing and ousting the CIO's Communists. "'Mr. Congressman, the CIO does not need you or anyone else to tell us how to run our organization,'" sputtered the enraged and red-faced Lewis, pounding his fist on his desk. "'Yes; we have Communists in the CIO, we also have Baptists and Methodists and we have Democrats and Republicans....'"

\footnote{effort and expel any Communists they discovered, but by 1936, the Party could claim that 36\% of its members were AFL members. \textit{Id.}}
\footnote{\textit{Id.}}
\footnote{\textit{Washington Notes," New Republic, August 31, 1938, p. 102.}}
In responding to Lewis that ordinary political parties or religious affiliations could be distinguished from "Communist stooges of a foreign power," Dies was making what was, for the Committee, an important distinction. Being a Communist and belonging to a Communist organization was not against the law. These activities were protected by the First Amendment. But if it could be proven that a domestic organization was under the control of a foreign government, then the situation changed. For example, an individual could be indicted for failing to register as an agent of a foreign government. Although Dies claimed the Committee had no biases going into the hearings, he had already decided that "Communists [were] disciplined servants of Moscow" and that they sought to gain control of the American labor movement through the CIO.  

By the time Congress authorized the Dies investigation, the AFL and the CIO were in the midst of an internecine struggle for the allegiance of the working class that played into the hands of the Committee. The tension surrounding the issue of craft versus industrial unionism was as old as the American labor movement itself. The AFL had traditionally organized skilled workers into unions whose jurisdictions was defined craft. By the 1930s, the AFL had been in existence for fifty years, and while it had on occasion made attempts at mass organization, it remained essentially dedicated to skilled workers. This meant that the vast majority of laborers who toiled in mass production industries were left with no representation other than company unions. The AFL's reasons for

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22Dies relates the story of the exchange with Lewis in Martin Dies, Martin Dies' Story (New York: Bookmailer, 1963), pp. 51-52. His views on the relationship between Communists and the CIO can be found in the Committee's 1939 Report, House Report
taking this approach were pragmatic. Skilled workers had greater success in demanding recognition due to the simple fact that they were difficult to replace during a strike. Wholesale replacements of unskilled laborers was much easier, leaving this class of workers with little bargaining power. Passage of NIRA in 1933 sparked a wave of unionism, especially in mass industries. These unions usually sought to affiliate with the AFL. But the AFL old guard was uncomfortable with the apparent radicalism of industrial workers—as manifested in their willingness to strike. Although industrial unionism had some redoubtable proponents within the AFL, including the United Mine Workers’ John L. Lewis, Amalgamated Clothing Workers’ Sidney Hillman and International Ladies Garment Workers’ David Dubinsky, many within the AFL were nevertheless hesitant to embrace these aggressive, radical, unskilled workers.23

At its annual convention in 1934, the AFL finally capitated, granting industrial union charters in auto and rubber, and agreeing to push an organizational drive in steel. But over the next year, despite the calls to action from Lewis and other industrial unionists, the AFL failed to pursue organization of mass production industries. The matter came to a head in the 1935 convention. The tension between industrial and craft unionists escalated as the AFL old

No. 2, January 3, 1939, pp. 49 et seq.; and in two chapters in Dies, *The Trojan Horse in America*, pp. 142 et seq.

23 Earlier movements to organize mass production workers included the Knights of Labor and the Industrial Workers of the World or Wobblies. Industrial unionism existed within the AFL in the form of Lewis’ United Mine Workers, which included not only miners but electricians, carpenters and workers of other crafts within its ambit. Following World War I, the AFL attempted mass organizing drives in the steel and packing house industries. But the AFL wanted to organize these industrial workers while preserving the jurisdiction and power of its traditional craft unions. Zieger, *The CIO: 1935-1955*, pp. 14-19.
guard continued to treat the former with contempt. When William Hutcheson of the Carpenter’s Union squelched a complaint by young rubber workers, Lewis erupted. Leaping to his feet, he punched Hutcheson, knocking him to the ground. This act became the symbolic birth of the CIO. For Lewis, the issue was less craft versus industrial unionism than it was organizing the unorganized. But to overcome the opposition among AFL leaders, it was necessary for him to marshal the forces in favor of industrial unionism.24

Three weeks after he hit Hutcheson, Lewis, industrial unionists and AFL members who had supported their position, met to form the Committee on Industrial Organization to promote industrial unionism within the AFL. Although the new committee was headed by John Brophy, a man with Communist connections, many CIO leaders believed industrial unionism under the auspices of the AFL was the best hope to avoid losing the industrial working class to communism. AFL leaders, however, worried that Lewis was establishing a rival power base. This threat seemed to crystallize with the formation of the Steel Workers Organizing Committee (SWOC) in 1936. Refusing to follow Lewis’ lead, AFL President William Green publicly criticized the CIO founder. In summer 1936, the AFL’s executive council suspended ten unions affiliated with the CIO. The following spring, the AFL expelled the remaining CIO unions.25

25Id.
Given the struggle between the AFL and the CIO, the Committee's choice for its first witness to discuss the issue of Communist infiltration of organized labor was bound to cause controversy. John Frey, President of the Metal Trades Department of the AFL, was one of the labor organization's two or three most powerful members. As a leader among the AFL old guard which had so frustrated the CIO, Frey had presented the majority report in support of craft unionism at the 1935 AFL convention. Because of his status as a long-time opponent of industrial unionism and a staunch anti-Communist, Frey's testimony might well have been considered suspect. Liberal journals of opinion such as the New Republic viewed Frey in this light. The magazine issued a scathing indictment of his Committee appearance, noting that he had worked hard to oust the CIO from the AFL in 1936, and likening him to "a narrow-minded preacher casting out the devil." But Dies had reviewed Frey's material, determining to his own satisfaction that it was "substantially authentic" and based on reliable sources.²⁶

Frey's primary source was a Catholic, anti-Communist, former informant for British Intelligence. Frey claimed that this informant had infiltrated the CPUSA, attended every Party convention since 1922, and sat on the Party's national committee. Armed with this information, Frey provided the Committee with three days of front-page, headline-grabbing testimony. In 186 pages of transcript, Frey claimed that the CPUSA had infiltrated ten unions, labeled 210

union officials as Communist, charged the La Follette Committee with Communist connections, and claimed that Communists had infiltrated the Democratic party.27

Acknowledging the concerns aroused by Frey's testimony, Dies announced as he opened the hearings on Saturday, August 13, 1938:

Before we hear from the witness this morning, the Chair wishes to reiterate his statement of yesterday that this committee is solely concerned with the truth; that we are not concerned with any jurisdictional disputes between labor organizations; that we are not after any labor organization; that if any labor organization is involved in any charge, or is attacked in the course of these hearings, that labor organization will be accorded a full opportunity to refute the charge or attack.

Dies then called Frey as a witness, providing him with the perfect platform to transmit his anti-CIO message directly to the press. Frey's testimony provided a foundation for the Committee's attack on the CIO, upon which later witnesses would be called to clarify and expand many times.28

Frey acknowledged that the majority of the CIO's rank and file were not Communists. But much of its leadership was, and therein lay the danger. According to Frey, a common technique of the Comintern was to infiltrate a country's trade union movement as a first step toward insinuating itself into the nation's political life. In Italy and Germany this strategy produced a backlash that had helped Mussolini and Hitler to power. The "obvious conclusion," said Frey, was that "Communists [were]...responsible for the plague of Fascist and Nazi dictatorship...." This might have been the fate of the American labor movement,

he continued, but for the efforts of the AFL. Its "evolutionary" methods had brought relief to the working class in the form of the Norris-LaGuardia Act's ban on yellow dog contracts and labor injunctions. But the "revolutionary"-inclined Communists employed the sit-down strike and mass-picketing as a sort of revolutionary training course for workers. Although the AFL had successfully prevented Communist infiltration into the labor movement, Frey was concerned that it had begun to lose the upper hand in the last three years. The intervening factor was the formation of the CIO. "Since then," he said, "the Communist Party has become a definite factor in the American labor movement."

Frey identified 280 CIO organizers, as well as 185 leading American Communists (not all were union men). Named individuals included CIO Director John Brophy, whom, Frey said, openly consorted with Communists. Union officers named by Frey included those of the United Textile Workers, the United Furniture Workers, the Fish and Cannery Workers International Union, the International Wood Workers, the Fur Workers International Union, the Federation of Architects, Engineers, Chemists and Technicians, and the Transport Workers Union. When asked about proof, Frey answered that he would present only names for which he had evidence. Dies responded simply, "all right," and questioned him no further. Although Dies later claimed that he had reviewed the evidence before Frey testified, none was ever entered into the record. Frey did state, however, that he had photostats of Harry Bridges' Communist dues book.

28 Hearings Before a Special Committee on Un-American Activities, Testimony of John Frey, p. 91.
29 Ibid., pp. 91-94, 95.
and Joe Curran's receipts for payment of CPUSA dues. But there was a problem with Frey's evidence. It identified not Harry Bridges and Joe Curran, but Harry Dorgan and Jose Narruc. Party members, Frey correctly stated, used aliases rather than their own names. Jose, he then helpfully noted for the Committee, was Spanish for Joseph, and Narruc was Curran spelled backwards. But this bit of deduction was the only proof of a connection that Frey had to offer—he had no evidence to show that Bridges and Dorgan were one and the same.30

The catalogue of 280 present or former CIO organizers who were members of the Communist Party was then read into the public record. Frey insisted that the names were included only after having been subjected to "more than one careful check-up." Many of the names were compared against the Daily Worker, while others were substantiated by vague "other sources." Dies stated that the Committee would accept the list with the proviso that as police departments and organizations made their files available, it would then be subjected to further verification. Later, however, Frey indicated that some of the "other sources" he had alluded to included police department records.31 This pleased the Chairman, who stated that a "fingerprinted" photostatic copy of a membership card was "definite proof" of Party membership. The use of fingerprints solved the problem of aliases. But Frey never claimed that he

31 On the second day he appeared before the Committee, Frey stated: "The information I bring before the committee is entirely free from any connection with any police department or governmental agency. I would like to make that clear and definite. I would not cooperate with any police departments for the purpose of getting this information." Frey did not explain why he had earlier indicated otherwise and the Committee did not ask. What also went unexplained was Frey's choice of words here.
possessed any fingerprints, nor did the membership cards bear fingerprints. Despite the fact that the Committee had not verified these names separately, it did not hesitate to print the full list in the public record.32

Regardless of the lack of supporting evidence for Frey’s claims, the thrust of his testimony—that 280 CIO organizers were Communist and that Communists often played important leadership roles in individual unions—was correct. Lewis intentionally hired Communist organizers because they were the most tireless and efficient workers. Communist organizers were legendary among CIO old-timers, and even anticommunists acknowledged that Communists performed all the heavy lifting in the CIO’s early organizational drives. CIO Communists, moreover, wielded influence greater than their actual numbers because of their hard work and diligence, but also because they were willing to risk employer retaliation for their union work. During the Depression, most workers failed to demand union recognition for fear of losing their jobs. Very little leadership, therefore, came from the shop floor. Communists, coming from the outside, would agitate for the union, sign up as many workers as possible, exaggerate the number who wanted a union, then call for a recognition strike and hope that the bulk of laborers would refuse to cross the picket line. This was a generally successful strategy, because once it was called, workers

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usually joined strikes in large numbers. But it was the Communists who performed most of the organizing work and took the greatest risks.\footnote{Levenstein, \textit{Communism, Anticommunism, and the CIO}, pp. 40-42.}

Which was why Lewis hired Communist organizers. For example, according to CPUSA leader, William Z. Foster, of the 200 organizers on the Steel Workers Organizing Committee, sixty were Communist. But Lewis considered his reliance on Communists to have been forced by circumstances and, therefore, only temporary. When asked about the presence of Communists in his unions, Lewis' stock response was that he did not ask about his members' political affiliations. Lewis needed all the allies he could find to help organize mass industries, particularly hard working allies like Communists. But this dependence troubled his non-Communist CIO colleagues. When David Dubinsky worried that the presence of too many Communists would eventually create problems for the CIO, Lewis famously replied, "Who gets the bird, the hunter or the dog?" Lewis planned to use the Communists for help in organizing, then purge them when the work was completed. He had no doubts that he could accomplish this task as easily as he had in the UMW in 1926.\footnote{Bert Cochran, \textit{Labor and Communism} (Princeton: Princeton University Press, 1977), pp. 95-99; Levenstein, \textit{Communism, Anticommunism, and the CIO}, pp. 48-49.}

As with many of the Committee's witnesses, Frey's testimony was sometimes correct, sometimes incorrect. The Committee, however, would never be able to prove these claims with any certainty since, even had it been inclined to do so, it possessed neither the manpower nor the time to investigate every individual Frey accused of having Communist ties, or each union he charged with
being Communist-dominated. Similarly, despite its promise that any person wrongly accused would be afforded opportunity to appear before the Committee and give his or her side of the story, it would have been equally impossible for the Committee to have heard individually from each person Frey named. As a result, Frey's testimony went essentially unchallenged by the Committee. Nevertheless, many of the unions he named did have Communist or Communist-sympathizing officers. The CIO unions for the furniture workers, woodworkers, and cannery workers all had some degree of Communist leadership at either the national or local level. The Fur Workers' International Union and the Transport Workers' Union (TWU) were probably the most openly Communist of the CIO unions, and the Committee would repeatedly return to the subject of the TWU and its leader Michael Quill. On the other hand, while Communists may have occupied some leadership positions within the United Textile Workers, it was an anticommunist union. In addition, Joe Curran, the National Maritime Union leader whom Frey claimed went by the name of Jose Narruc in Party circles, had close connections to the Party, staffed the NMU with Communists, and worked closely with them, but he never joined the Party, and in 1947, purged Communists from his union.  

Frey was also wrong when he implied that John Brophy was a Communist. Frey stated that he had lists of the names of prominent Communists in the CIO, and that he would comment on some of the specific names as he came to them. "The first one I want to refer to," Frey announced, "is Mr. John

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35 Zieger, The CIO, pp. 128, 151, 254, 288; Levenstein, Communism, Anticommunism,
Brophy.” Although admitting that Brophy was not a Party member, Frey alleged that “he consorts with Communists continually.” Given the Communist presence within the CIO, it would have been difficult for Brophy to do his job and avoid associating with Party members—but that was not an argument anyone in the CIO would have made at the time. In implying that Brophy was a Communist, Frey relied on events surrounding Brophy’s 1926 battle for control of Lewis’ United Mine Workers (UMW). Frey stated that Lewis had expelled Brophy from the UMW for his role in “disloyal activities,” which included creating a “dual movement” within the union that relied on the assistance of Communists. Frey also noted the fact that Brophy had visited the Soviet Union in 1928, and upon his return had spoken warmly of the condition of Soviet workers. Citing the United Mine Workers’ Journal as evidence, Frey added that when Brophy returned from the Soviet Union, he was armed with cash to continue his fight against the UMW.36

With the exception of the charge that the Soviet Union funded Brophy’s campaign—which would not be surprising, but for which there was no evidence either way—the facts Frey offered were accurate, but he drew the wrong conclusions from them. Frey’s assertion that Brophy led a coalition that tried to oust the autocratic Lewis as president of the UMW in 1926 was true. In this “Save Our Union” drive Brophy enlisted any allies he could find, including Communists. Lewis responded by accusing Brophy of being a tool of CPUSA leader Foster, and with a vicious red-baiting campaign in which he purged

...and the CIO, pp. 56-57, 292, 256-258.
Communists from the ranks of the UMW. In 1928, after Lewis retained his position as UMW president in an election that was widely believed to have been marked by fraud, Brophy and his Save Our Union Committee unsuccessfully attempted to form a second, rightful UMW. Communists, although continuing to support Brophy, opposed this new union. Although he expelled Brophy from the UMW, Lewis would later hire him to serve as director of the CIO. Based on this, Frey concluded: "We cannot know [Lewis’ motives], but from the record it is evident that if Mr. Lewis wanted someone as a director who could maintain the necessary contact with the Communist Party in this country, and its membership, he could not have made a better selection."37

Frey was off base. Brophy, described by one scholar as "a mild sort of Socialist," like Lewis and Curran, used Communists when it was to his advantage. Whatever his relationship with Communists had been in 1926, by 1938 Brophy was one of the CIO leaders who worried about the large presence of Communists within the organization. In fact, Brophy required frequent assurances from Lewis that he was in control of the Communist situation. When Brophy later presented two priests to attest to his non-Communist status, Frey fell back on the defense that not he but the UMW had made the charges about Brophy. Regardless, Frey repeated them in public, and the Committee allowed him to because he had assured them that his information was reliable. Since

36 Hearings. Testimony of John P. Frey, pp. 97-98.
37 Levenstein, Communism, Anticommunism, and the CIO, pp. 8-10; Bert Cochran, Labor and Communism, pp. 47-50. Levenstein states that Communists opposed the new UMW out of a hostility to dual unions. Cochran, on the other hand, notes that the Communists had already founded the National Miner’s Union in 1928. Cochran does not
Frey was not privy to the private conversations of CIO leaders, he would not necessarily have known of Brophy’s concerns about the Communist presence in the organization. But it does not matter, since, according to the Committee’s own rules, Frey should never have been allowed to offer his conclusions about Brophy to begin with.  

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The Committee did not establish many rules when it began its hearings, but it did state that “opinions, conclusions, and generalities have no probative force in any court of justice, and they cannot be made the basis of any findings on the part of this committee.” Although the Committee never made an attempt to expand or clarify what it meant by “opinions, conclusions, and generalities,” it clearly intended to follow contemporary judicial standards. The general rule was (and is) that lay or non-expert witnesses “must confine themselves to the facts, and will not be permitted to state their conclusions.” Opinions and conclusions were matters for the trier of fact, whether judge or jury, to decide. The witness was merely to present the information of which he was certain, leaving the trier of fact to make inferences or form opinions and conclusions. “Witnesses are to state their perceptions of fact,” wrote Harvard Law Professor John MacArthur address the issue, but this may have been why Communists did not support Brophy’s UMWA.

Maguire, "the triers to appraise credibility, make findings of fundamental fact, and draw the inferences necessary to decision." 39

The ban on opinion testimony was frequently criticized by legal scholars of the 1930s and '40s. In his influential treatise on the law of evidence, John Wigmore argued that the contemporary bar against "mere opinion" was based on a misunderstanding of the rule at Common Law. The source of the rule was the principle of testimonial knowledge, "that the witness must speak as a knower, not merely a guesser." Among others, Wigmore quoted from a 1622 decision by Lord Coke to explain the original rationale for the ban on opinion evidence. "It is no satisfaction for a witness to say that he 'thinketh' or 'persuadeth' himself," wrote Coke, "and this for two reasons; first, because the judge is to give an absolute sentence, and for this ought to have a more sure ground than 'thinking'; secondly, the witness cannot be sued for perjury." When a judge would demand that a witness provide facts, not opinion, it was merely to determine whether there existed "some real or positive grounds of knowledge...." In instances where a witness did possess the necessary facts and was "equipped with a personal acquaintance with the affair and therefore competent in his sources of knowledge," Wigmore asserted, judges considered it appropriate for the witness to draw inferences and express conclusions. 40

Nineteenth century American judges followed this Common Law practice of allowing lay witnesses to state an opinion provided that it rested on a sound basis. "But, in another generation's time," said Wigmore, "there occurs this mutilation, that 'opinion is not evidence,'—a very different and vastly broader proposition." The change occurred, in part, Wigmore believed, because of the use of the "skilled" or expert witness. The expert, having no direct or personal knowledge about the events or issues before the jury had only "mere opinion" to offer. But such testimony was justified on the grounds that he possessed a special skill or knowledge that assisted the trier of fact. The expert had no "fact-knowledge" to share with the jury, only "opinion-knowledge." As the use of experts became commonplace, judges developed a new rule regarding opinion evidence. The basis for permitting opinions became "not a lack of personal knowledge, but...its superfluity as an aid to the jury." The new rule held that "whenever the point is reached at which the tribunal is being told that which it is itself entirely equipped to determine without the witness' aid on this point, his testimony is superfluous and is to be dispensed with." Therefore, an expert, with special knowledge to share, could offer his opinion, but a lay witness was expected to adhere closely to a recitation of the facts and refrain from expressing inferences or conclusions. Because lay witnesses may be intimately familiar with the facts and, therefore, in the best position to draw an inference, Wigmore argued in favor of return to the earlier version of the rule.41

41 Wigmore, Evidence in Trials at Common Law, sec. 1917, pp. 3-11.
Despite Wigmore’s criticisms, the rule remained that lay witnesses were not to offer opinions or conclusions. Apart from this complaint, great confusion remained regarding what was or was not considered opinion evidence. The American Law Institute’s (ALI) *Model Code of Evidence* (1942) noted that “[t]he American decisions concerning opinion evidence exhibit much confusion in statement and inconsistency in application.” As Maguire observed, the problem was that “[i]n a way, all human assertions are opinions....Our whole conscious life is a process of forming working beliefs or opinions from the evidence of our senses....” The result was that “every trial, as a rule, is filled with so-called opinion evidence from the non-expert witness; it is so constant and so common it is not distinguished from other evidence except in the occasional instance.” Most American courts, reported the ALI, “purported to reject all opinion, lay and expert, upon issues ultimately to be decided by the jury, but in many cases the fact that the opinion covers a jury issue is conveniently overlooked.” The application of the rule was so uncertain, that the ALI was finally forced to conclude that “the entire body of the law dealing with opinion evidence of both lay and expert witnesses needs revision.”

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Because all observation involves some inference, the bar against opinion was subject to a host of exceptions. Lay witnesses were permitted to offer conclusions regarding general matters of size, time, distance, and velocity. Expert and lay opinions were usually permitted on questions of sanity, mental

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state (nervousness, exhaustion), handwriting, and the value of services and things. On the other hand, courts conflicted over whether to admit lay opinion on matters such as reasonableness, care, and competency.43

In drafting a model rule regarding the admissibility of opinion evidence in 1942, the ALI attempted to address these concerns by permitting a lay witness to testify about what he has perceived "in terms which include inferences and may state all relevant inferences, whether or not embracing ultimate issues to be decided by the trier of fact...." There were, however, two exceptions to this rule. First, the judge should not allow a witness to include inferences that required a special skill or knowledge which the witness did not have. Second, the witness would not be allowed to include inferences where he could accurately and adequately communicate his perceptions to the jury without the use of inferences, and if his use of inferences would "be likely to mislead the trier of fact to the prejudice of the objecting party."44

This model rule did not so much change the existing law as clarify it. A lay witness was only to include his inferences if he was unable to adequately explain the facts to the trier of fact. As New York University Law Professor Leslie Tompkins observed, the "facts which a witness has observed may be so numerous, complicated, minute, or interblending as to elude effective individual expression by the witness." In such instances, the witness was allowed to present his inferences and conclusions to a jury or judge. Where a witness was

44 Rule 401, American Law Institute, Model Code of Evidence, pp. 199-200.
capable of setting forth all of the constituent facts before the trier, then conclusions were prohibited. Since Frey presented the evidence from which he drew his conclusion, he should not have been allowed to offer his opinion. Perhaps Frey's conclusion was based on numerous other observations and incidents over a period of time that he was unable to fully explain to the Committee, but if so, this should have been established by the Committee.45

Given the state of the law on opinion evidence, the Dies Committee might be forgiven for failing consistently to object when its witnesses offered their conclusions. But the general rule remained that "a fact in issue or one material thereto is not properly a subject for a conclusion, as it would be an invasion of the province of the jury." A problem with Frey's testimony regarding Brophy was that he presented evidence, then drew a conclusion about the central issue that should have been determined by the trier of fact (the Committee): the degree of influence the Communist Party wielded within the CIO, which, in turn, required a determination about the Communist affiliation of John Brophy.46

Not only should the Committee have stopped Frey from offering his conclusion on the ultimate fact to be decided, but it was again faced with the problem of the credibility of its witness and the lack of procedural safeguards in the congressional investigative process. The ALI model rule forbid a witness to offer his inferences if they would "be likely to mislead the trier of fact to the prejudice of the objecting party." Similarly, one of the requisites for the admissibility of opinion mentioned by Tompkins was that the witness "shall satisfy

the court that he is careful and intelligent in his observation and examination." In
this instance there was no objecting party. Frey leveled allegations against
Brophy, but Brophy was not present to defend himself. Which, of course, meant
that Brophy had no counsel to cross-examine Frey in order to expose any
weaknesses or inconsistencies in his argument. The Committee could not be
relied on to challenge Frey's testimony, and, in fact, not one Committee member
questioned his version of events. It simply listened to his uninterrupted narrative.
The Committee failed to question the fact that Frey used statements from the
United Mine Workers' Journal as evidence of Brophy's Communist ties. Since it
was the UMW with which Brophy had been battling, the Journal was a biased
observer. Moreover, Frey used this journal article as evidence, but no offer was
made to prove the accuracy of the journal's conclusions. There was no attempt
to verify any information in the article. Nor was any attempt made to validate any
of the charges against Brophy, which, again, would have been a practical
impossibility, since Brophy was only one of hundreds of persons Frey
implicated.47

In addition to violating the Committee's rules by offering his conclusions,
the evidence Frey introduced to prove Brophy was a Communist was
circumstantial. In a judicial setting, the difference between direct and
circumstantial evidence "turns upon whether or not the evidence requires the trier
to reach the ultimate factual proposition to which the evidence is addressed by a

47 Rule 401, American Law Institute, Model Code of Evidence, pp. 199-200; Tompkins,
process of inference." Circumstantial evidence requires "additional reasoning...to reach the desired conclusion." It is, Wigmore explained, "an inference upon an inference." For example, if a witness saw an individual at a Communist Party meeting, that is direct evidence that the person attended the meeting, but only circumstantial evidence that the person was a Communist. Circumstantial evidence should not be considered of less value than direct evidence, but its value does depend on the number of leaps of logic and the probability of each inference required to reach the conclusion. "A brick," one evidence scholar has observed, "is not a wall." Frey's evidence on Brophy, standing on its own, might lead one to conclude that he was a Communist. But this again raises the issue of the weakness of the congressional hearing process. Frey was allowed to present his unquestioned testimony to a credulous committee. Had he been cross-examined, or had Brophy been given a chance to rebut the testimony, then Frey's facts might have been presented within the context of UMW politics, and, therefore, placed in a different light.48

Frey's testimony raised evidentiary issues that reappeared almost every time a Committee witness attempted to prove an individual was a member of the Communist Party. Given the secrecy in which most Party members, particularly union officials, operated, finding conclusive evidence of Party membership was almost impossible. Not only did members use aliases, but the Party cards of trade unionists were often hidden from the regular Party leadership. When they

were asked, trade unionists would deny they were Communists. The typical response was to deflect the question—to say that whether or not they were Communists was irrelevant, only the union mattered, and then accuse those making such charges of being red-baiters attempting to undermine the labor movement.49

This devotion to secrecy harmed the Party on many levels. It prevented Communists from receiving full credit for the enormous work they did to build unions. Secrecy also hampered Communist recruitment efforts by preventing union members from speaking openly about the Party or about socialism. Finally, it gave anticommunists a weapon since secrecy made Communists look dishonest, untrustworthy, and fearful to stand up for what they believed.50

50 Id. The CPUSA's attachment to secrecy was a product of Soviet tradition and conditions imposed by the Comintern. Lenin's Bolsheviks had spent so many years operating underground they came to value secrecy for its own sake. After the Bolsheviks had seized power, Lenin was convinced that he had discovered the best road to a successful revolution. Therefore, he wanted the national sections of the Comintern to "Bolshevize," or conform to the Bolshevik image, the requirements of which were detailed in the "Twenty-One Conditions" for admission to the Comintern. Even after the Comintern instituted the United Front of temporary alliances with non-left mass institutions, the Twenty-One Conditions required that Communists organize "parallel illegal apparatus" ready to surface at the right moment and assume the direction of the revolution. Fernando Claudin, *The Communist Movement: From Comintern to Cominform* (New York: Monthly Review Press, 1975), pp. 106-108; Julius Braunthal, *History of the International, 1914-1943, Vol. 2* (London: Thomas Nelson and Sons, Ltd., 1963), pp. 162, 171; "Conditions of Admission to the Communist International," *A Documentary History of Communism and the World*, Robert V. Daniels, ed. (Hanover: University Press of New England, 1994), pp. 32-34.

The requirement that the Comintern's national sections model themselves on the Bolshevik pattern was not always practicable. American Communists, for example, attempted to follow the Comintern instructions about the formation of a United Front, but found it difficult in the face of the Red Scare of the early 1920s. It was forced to operate almost completely underground. After the threat diminished, the Party remained fearful of exposing its activities to the public. This was particularly true in union circles where the AFL leadership had banned Communists from holding office and, in some cases, from its union membership. Communists also perceived secrecy to be important
Party secrecy and the fact that the CPUSA regularly destroyed its records in an effort to deny congressional committees access to its membership lists, often meant that the Committee was grasping at the thinnest of straws to prove a person was a Communist. Dies noted that he considered a photostatic copy of a membership card or a sworn statement by someone who had seen the person in question at a meeting as proof of membership. As previously stated, seeing someone at a Communist meeting was proof only that the person had attended the meeting, not that he or she was a Party member, but Dies failed to make this distinction. He did recognize, however, the inherent difficulty of proving the validity of an accusation of Party membership without at least this minimum of proof, and he questioned Frey about some of the charges he was making. Frey responded that he knew the difference between an active member of the Party and a sympathizer, which prompted Healey to defend the witness by telling Dies, "I am sure Mr. Frey has been around here long enough not to make accusations unless he can back them up." Dies replied that he only wanted to be certain that Frey had "full and complete authorization and evidence." But Frey never offered the evidence. Although he was careful to declare when he did not have certain knowledge of a person's standing in the CPUSA, on occasion he would imply that the person in question was a Communist, or at the very least, a person who should not be trusted. For example, Frey said that Powers Hapgood—who was a Socialist, not a Communist—was "a combination of a radical, possibly a

because of the presumed anticommunism of the American working class. A 1925 Party order, therefore, instructed all Communists in trade unions that if they were ever confronted with evidence of their membership, they should claim they had left the Party.
Communist, and everything else that composes someone who likes to make trouble in the labor world."51

The bulk of Frey’s testimony on the second day covered the Comintern’s strategy of assuming control over the American labor movement by “boring from within.” He did this by reading into the record a 1924 UMW report on the efforts of Communists to control their union. One tactic was for the Soviet Union to send money to the U.S. to be used by Communists in transforming ordinary strikes into armed insurrections against the government. According to this report, the violence that occurred in several coal-region strikes, whether against striking miners or against strikebreakers, was actually carried out by Communists in an effort to spark a revolutionary uprising. In other words, Communists did not care against whom they committed violence, as long as it aided their goal of inciting workers to armed rebellion. Leading this effort were the Communist Party of the United States, the United Communist Party and the TUEL. Further abetting the cause were the Friends of the Soviet Union and the American Civil Liberties Union, groups working under the direction of the Comintern. The report stated that the CPUSA was created by the Comintern for the purpose of taking control of the UMW, the AFL, and the whole of the American labor movement as a means of overthrowing the government of the United States. The Committee allowed Frey to read the UMW report into the record without raising any questions as to its validity. No mention was made of the fact that this report was

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51 *Hearings, Testimony of John Frey*, pp. 113, 105.
released as part of John L. Lewis' purge of Communists from the UMW following an attempt by a faction comprised of Brophy's supporters and Communists to oust Lewis from the UMW presidency. 52

The UMW report mentioned that some 200 American organizations were sympathetic to communism. Of these, forty-five were directly engaged in the effort to seize control of the labor movement. Here the report utilized what would become a primary means by which the Committee would identify Party members—interlocking directorates. Once a particular organization was identified as Communist, the Committee would then show that members of its board of directors also served on the boards of other groups. The fact that one Communist-controlled organization shared board members with a second organization was deemed sufficient evidence to prove the latter was also Communist-controlled. The UMW employed this method when it noted that of the aforementioned forty-five organizations, fifty-two people held 325 directorates. This "interlocking arrangement shows that all of these organizations are fused into a single whole," the report concluded. Such an arrangement included room for all sympathizers from the most radical down to the "parlor pinks." 53

Again, the ACLU was presented as an example of the way that these "front" organizations worked. On the surface it was a champion of civil liberties, but its alleged true purpose was to aid the Party in the "dissemination of radical

52 Ibid., pp. 150-152, 153-159.
53 Ibid., pp. 159-162; Report of the Special Committee on Un-American Activities, House Report No. 2, January 3, 1939, pp. 46 et seq.
utterances and propaganda." Indicating the Committee's acceptance of this method of proving the Communist affiliation of individuals and organizations, Mason asked the witness about the status of the American League for Peace and Democracy (ALPD). After Frey explained that the ALPD was not in existence in 1924, the year of the UMW Report, Mason noted that he asked because ACLU president Harry F. Ward was Chairman of the League. Frey took a considerable amount of the Committee's time to read large sections of the UMW Report into the record. The Committee, without the resources to conduct much of an investigation on its own, would later rely heavily on the UMW report for its conclusions about the Communist penetration of labor unions in its own report to Congress in 1939.54

Frey continued his testimony by turning to the official publications and meeting reports of the Comintern and the CPUSA. To prove the nefarious intent of the Comintern was as simple as reading from its own statements, another technique on which the Committee would come to rely. Quoting from books published by the Communist Workers Library and the Rules and Constitution of the Communist International, Frey had no difficulty painting a frightening picture. The Comintern demanded strict party discipline from its members, spoke of creating fractions within trade unions, using legal organizations as cover for "illegal party apparatus," using aliases, and of course, held as its goal a worker's revolution to overthrow and smash the capitalist state. After establishing the intent of the Comintern and the CPUSA, Frey proceeded to describe the Party's

54 Id.
political activities. Continuing to rely on reports taken from official Party statements and by spies attending CPUSA meetings, Frey described attempts to infiltrate and co-opt the Farmer-Labor Parties of Minnesota and Iowa, to work with Labor's Non-Partisan League and within the Democratic Party itself with the goal of pushing President Roosevelt's policies further to the left. Frey also described how Local No. 5 in New York of the American Federation of School Teachers lost control of its organization to Communists, forcing a group of non-Communists to secede and form a separate union. The witness next submitted the CPUSA Legislative Program from 1936. It included a speech made by CPUSA leader Earl Browder before the Party's Central Committee in 1936. In it Browder describes the Party's difficulties instituting its legislative program and its slow progress in the Steel Workers Organizing Committee. On his third and final day of testimony, Frey described the split among auto workers between those who supported communism and those who opposed it, although he also claimed that Communists were involved in the sit-down strikes of 1936-37. Finally, the witness discussed the influence of the Worker's Alliance, the union that was presently active in organizing WPA employees. Frey merely touched on the above issues and provided a mass of written material in which these topics were discussed at Party meetings and in official documents. The Committee would take up all of these matters in more detail in the hearings that followed.55

The denials by people named in Frey's testimony began to pour into newspaper offices immediately. The general counsel of the Transport Worker's

55 Hearings, Testimony of John Frey, pp. 166-173, 192-193, 177, 204-207, 212, 248,
Union charged that the accusation of communism within its ranks was "characteristic of Frey's usual rantings." However, as the New York Times reported, many of the individuals named by Frey had been labeled Communist before and were widely believed to be Party members. The Steel Workers Organizing Committee also issued several denials. SWOC Chairman Philip Murray denied that Brophy, a devout Catholic, was a Communist. Brophy produced two priests to attest to this fact. Catholicism was also the reason, SWOC claimed, that Vincent Favorito, the alleged Communist who testified for the La Follette Committee, could not be a Communist. The Mine, Mill, and Smelters Union, a CIO affiliate, reported that of two of its members named by Frey, one had never been a member of the union and the other was a former member. This latter individual, Paul Peterson, had become the president of an AFL affiliate and denied all of Frey's accusations. Lewis Merill, president of the United Office Workers of America responded to Frey's allegations by accusing him of disregarding fact and "relying alone on his disordered and lurid fancy." In addition to the public denials released to the press, the Committee's offices were flooded with letters and telegrams both making charges and denying them. This pattern continued unabated for the life of the investigation.56

The day before Frey's testimony, Dies had announced the Committee's basic guidelines for the type of evidence it would hear. Primarily, said Dies, the Committee was interested in facts, not conjecture or surmise. Notably, however,

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Dies did not offer any standards for what type of evidence the Committee found acceptable. Frey was allowed to list names on a bare assurance that he had the proof, but he was never asked to produce that evidence for the public record. All Frey offered were naked assertions. The previous day, Dies had cautioned against witnesses making claims without supporting evidence because of the danger of "smearing" people and the difficulty of "repairing the damage" after a false accusation had been made. Yet Dies allowed Frey to introduce his list of 280 names because it was "probable" that at some future date the Committee might receive photostatic cards of large numbers of CPUSA members. At some undetermined time in the future, then, the Committee could check Frey's names against this list. By admitting Frey's list of names into the record without supporting evidence, the Committee broke its own procedural rules within twenty-four hours of establishing them.  

Coming on the second day of the Committee's public hearings, Frey's testimony was the first shot fired against the New Deal. It quickly became apparent that Dies was out to settle old scores. The Committee's subsequent investigation into the Federal Theatre and Writers Projects provided an excellent opportunity to assail Harry Hopkins, and its probe of the sit-down strikes was an ill-disguised assault on Frank Murphy. Similarly, its investigation into the activities of West Coast labor firebrand Harry Bridges enabled the Committee to

57 Hearings, Testimony of John Frey, p. 106.
continue its offensive against the New Deal by opening a field of attack against Labor Secretary Frances Perkins. She became a target after several Committee witnesses had asserted that "an outstanding official" in the Department of Labor was protecting Bridges, a native Australian, from deportation.

In 1938, Bridges was president of the International Longshoremen and Warehouseman's Union (ILWU) and West Coast Regional Director of the CIO. But it was his role in shutting down all shipping to and from the West Coast during the Great Maritime Strike of 1934 that convinced Dies and other congressmen that Bridges was a dangerous Communist sympathizer. Because the government was never able to prove his Party membership, it never succeeded in deporting him. Moreover, Perkins claimed that her hands were tied about the Bridges matter until the Supreme Court decided the similar case of Joseph Strecker. Dies never accepted this explanation and blamed Perkins for the failure to deport Bridges. Bridges represented everything against which Dies had inveighed during his tenure in Congress: he was a foreigner importing subversive ideas into the United States. Dies accused the Secretary of resorting to "subterfuge to protect" Bridges, and called for her impeachment, suggesting that her hesitation to act was motivated by the fact that "possibly her ideals are the same as [his]."58

The Committee's investigation of Bridges involved two major areas of inquiry: first, the ongoing issue of Communist infiltration into the labor movement;

and second, the question whether the Immigration and Naturalization Section (INS) of the Department of Labor had been pursuing deportation of subversive persons with sufficient diligence. The Committee proved to be more interested in the latter.\textsuperscript{59}

The complaint about the Labor Department’s lax handling of deportation issues had arisen occasionally during the 1938 hearings, and was one in which the Committee was always interested. Already planning to challenge the Labor Department for its failure to deport Bridges, Dies was eager to hear any additional testimony illustrating a systematic breakdown in the enforcement of deportation laws. During the Committee’s Detroit hearings on Spanish Civil War recruitment, for example, Sergeant Harry Mikulik of the Detroit Police Department’s special squad to investigate alien and radical activities, testified regarding administrative lapses in deporting Communist aliens. Mikulik stated that he knew of aliens who had been arrested for Communist activities, held by immigration authorities, then released. When asked, Mikulik said that he had no explanation why these people had not been deported.\textsuperscript{60}

Jacob Spolansky, a Detroit county detective who had spent six years at the Department of Justice, corroborated Mikulik’s testimony that the Department of Labor had failed to deport at least some alien Communists. Spolansky used the case of Joseph Kowalski as an example. In 1920, Spolansky arrested Kowalski, who was subsequently deported to Russia. He re-entered the country in 1923, and was arrested again. Sentenced to a year and a half in a federal

\textsuperscript{59} \textit{id.}
penitentiary, Kowalski was supposed to have been deported immediately upon his release. Instead, he returned to Detroit where, said Spolansky, "he has been responsible for a number of serious communistic outbreaks." The Labor Department claimed that it had not deported Kowalski a second time because the Soviet Union refused to accept deportees from the United States, which had not yet established diplomatic relations with the Communist country. Although this answer did not explain how Kowalski was successfully deported the first time, Spolansky accepted it as "a possible thing." Regardless, now that the United States had officially recognized the Soviet Union the problem had disappeared, and Spolansky wondered why Kowalski remained in the country.61

Such testimony reinforced Committee members' belief that the Labor Department was insufficiently committed to ridding the nation of alien radicals like Bridges. Bridges' Communist sympathies, the spectacular way in which he burst onto the national labor scene during the 1934 Maritime Strike, and the devotion he generated among labor's rank and file, made him a highly visible target for the nation's anticommunist network, including congressional committees, the FBI, and patriotic organizations. Though subjected to deportation hearings, congressional investigations, FBI surveillance, multiple arrests, impressive congressional ire, legislation directed specifically toward his deportation, and two

60Hearings, Testimony of Harry Mikuliak, pp. 1285-1294, 1296-1299, 1302-1303.
61Hearings, Testimony of Jacob Spolansky, pp. 1310-1311. In addition to his testimony regarding deportation issues, Spolansky proffered exhibits of Communist leaflets and pamphlets advocating the violent overthrow of the government; CP publications distributed to workers in Detroit factories; resolutions adopted by the Twelfth Plenum of the Central Committee of the CPUSA in 1930 explaining the Party's goals and activities in industrial plants; and a variety of newspapers, pamphlets and leaflets describing CP
trips to the Supreme Court, he managed to evade all the forces arrayed against him.

When Perkins met Bridges for the first time at the 1934 AFL Convention, she described him as haggard and thin, wearing a worn overcoat, polite, deferential, and "hardly finding the voice to make demands for the striking longshoremen." She concluded that he was a "typical British worker." Bridges was neither British nor working class, and he was far from typical. Born in Melbourne, Australia, Bridges enjoyed a solidly middle class upbringing and a Roman Catholic education. His conservative father was a staunch Anglophile who attempted to instill in Bridges a proper respect for authority and the British Empire. But his uncle, Henry Renton Bridges, had a greater influence on the future labor leader. A Boer War veteran who regaled his nephew with war stories and tales of his travels, Renton also frequently engaged Bridges in political conversations centering on his strong support for the Australian Labor Party. By the time he was fifteen, Bridges considered himself a Socialist. He was also an avid reader of Jack London’s sea stories, and became a familiar figure at the Melbourne docks, picking up odd jobs. In 1917, at the age of sixteen, he went to sea. Landing in San Francisco in 1920, Bridges decided to make the city his base. By that time he had spent four years absorbing the theories and radical politics of his trade unionist and Wobbly shipmates, and had already participated in several strikes, including the Australian general strike of 1917. He joined the IWW in 1921, but found it too apolitical and erratic, and quickly left. By 1922,
Bridges quit working as a seaman, settled in San Francisco, and sought employment as a longshoreman.62

At that time, if a longshoreman hoped to work on the West Coast, he had to be a member of the Longshoreman's Association of San Francisco and the Bay District or "Blue Book" union. An employer-controlled union, the Blue Book not only ignored worker complaints, but blacklisted any man who attempted to use the grievance process to enforce his rights. Moreover, the Blue Book had a closed shop agreement with the employers. This meant that a longshoreman could obtain work only if he was a Blue Book member, had paid his dues in full, and then only if he passed muster at the "shape-up." The most despised aspect of a longshoreman's life, the shape-up was the process in which thousands of men—hundreds per pier—would converge on the docks each morning to beg for a day's work by calling out to the bosses. Using this cattle-call as an opportunity for graft, bosses chose men according to who supplied them with liquor, cigars or kickbacks averaging ten per cent of their wages. Anyone who complained was blacklisted. The degradations of the shape-up prompted San Francisco's stevedores to rename the Embarcadero the "slave market."63

This was the world Bridges entered in 1920. He dismissed the Blue Book union as an employer's racket, refused to pay his dues, and soon found himself

out of work. But he also attempted to do something about it. When the Blue Book contract expired in 1924, Bridges began to build a real union. He joined with 400 other longshoremen to revive the Riggers and Stevedores’ Union, which had been replaced by the Blue Book after the failed 1919 strike. This effort, like so many union drives of the 1920s, was stillborn; but Bridges refused to quit. He became a fixture on the docks, talking to workers, listening to their complaints, and always emphasizing the need to organize to fight the employers. Meanwhile, the Communists of the Marine Workers Industrial Union (MWIU) had also been attempting—with little success—to organize the waterfront. Bridges was sympathetic to their message and believed in the class struggle. But he knew that although the longshoremen were amenable to trade unionism, they would never fully support revolutionary trade unionism. Bridges explained to the MWIU that the waterfront workers would never join their union en masse. Although many of the MWIU’s sectarian leaders did not want to concede their revolutionary approach, others, including Sam Darcy, the Communist Party district organizer for California; Roy Hudson, the MWIU national secretary; and Harry Hynes of the MWIU in San Francisco, were also coming to the same conclusion. What was needed was a union that was strong enough to challenge the employers but not too radical for the longshoremen. In 1933, the International Longshoremen’s Association (ILA) would fill this void. With

Communist support, the ILA fought for recognition by spearheading the most spectacular and successful strike the West Coast had ever experienced.64

On May 9, 1934, longshoremen from Seattle to Los Angeles walked off the job. The MWIU jumped into the fray the next day. Because the MWIU had the largest following of any of the seamen’s unions, its actions pressured the eight AFL seamen’s unions into striking as well. The longshoremen and seamen were soon joined by foremen, cooks, stewards, pilots, engineers, masters and mates. On May 14, the Teamsters joined the strike by refusing to haul any cargo from the docks. The following day, for the first time in history, all Pacific coast shipping ceased. No cargo came into or sailed out of any West Coast port.65

Violence erupted after the San Francisco Chamber of Commerce and Industrial Association decided to break the strike. On July 3, the Chamber of Commerce hired the Atlas Trucking Company to remove freight from the docks, sparking a brief clash between truckers, strikers, and the police. On the fifth of July, in what became known as Bloody Thursday, violence exploded again. This time, the battle raged all day, at the end of which two men were dead, thirty-one were treated for gunshot wounds, and forty-three were injured from tear gas, clubbings and stones. The state sent in 1,700 national guardsmen to keep the peace, which prevented further violent outbreaks, but did not dampen the spirits

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of the strikers. Taking advantage of high emotions, the strike leaders organized a public funeral procession for the two men killed in the battle. Tens of thousands of mourners, stretching over a mile, paraded through the city. Two days later, the Teamsters, who had previously joined the strike at the waterfront, now struck throughout the city. Finally, on July 16, the San Francisco Central Labor Council called a general strike. The next day, 147,000 workers in all fields, walked off the job.\textsuperscript{66}

With the onset of the general strike, panic set in. Newspapers, operating normally because the printer's union did not join the strike, began a red-baiting campaign. Led by the Hearst organization, local publishers agreed that they needed to protect the city from the forces of communism. The press whipped up an anticommunist frenzy, portraying the strike as an attempted revolution.\textsuperscript{67}

In Washington, too, fears were growing. Roosevelt was on vacation, leaving Perkins in charge of determining the administration's response. A cabinet faction led by Secretary of State Cordell Hull pressured her to declare martial law, but Perkins urged calm. Because there was no strike fund or central organization, she reasoned that the general strike was simply a spontaneous show of support that would be short-lived. Perkins was right, and the general strike petered out within days. Although sentiment among maritime workers remained strong, Bridges sent them back to work on July 31, 1934, and as

chairman of the strike committee, began another round of negotiations. In the end the ILA won everything it asked for, including a coast-wide contract for a thirty hour week, time and a half for overtime, and an end to the shape-up.\textsuperscript{68}

The size and success of the 1934 Maritime Strike transformed Bridges from an obscure character known only around the San Francisco waterfront, to one of the most recognized and powerful figures in American labor. Although Perkins had refused to panic during the worst part of the strike, she found she could not ignore the steady stream of complaints her office began receiving about Bridges. The main charge was that he was a Communist, which, if true, might subject him to a federal statute that called for the deportation of any alien who advocated, or belonged to or affiliated with an organization that advocated the violent overthrow of the government. On their own initiative, immigration officers in San Francisco investigated Bridges to determine whether there was any truth to the allegations. In addition to basic biographical information, they discovered that Bridges was a competent and steady worker who lived in a boarding-house where he paid his rent on time and spent most evenings at home playing the mandolin. They reported that they could find no evidence definitively linking him to the Party.\textsuperscript{69}


In 1937, however, Raphael Bonham and Ray Norene of the Portland and Seattle INS offices, claimed to have affidavits from four men alleging to have seen Bridges at Communist Party meetings, and that they possessed a photostatic copy of Bridges' Party card under the name of Harry Dorgan. But the backgrounds of several of the affiants aroused Perkins' suspicions: one had worked closely with Captain John Keegan of Portland's red squad, another had served on a union "goon squad," and still another had engaged in labor espionage. She assigned Labor Department Solicitor General Gerard Reilly to appraise the evidence. Although Reilly retained doubts about the case against Bridges, he told Perkins that the witnesses were reliable enough to move forward with a deportation hearing. The hearing, to take place in San Francisco, was set initially for April 25, 1938, but the Labor Department cancelled the proceedings one week before the hearing date.70

The intervening event was the deportation of Polish immigrant Joseph Strecker, who had been a member of the Communist Party for less than four months in 1932. Strecker made the mistake of giving this information to immigration authorities when applying for U.S. citizenship in 1933. Following this admission, the naturalization proceedings were halted and a deportation hearing instituted in its place. Strecker was ordered out of the country, but on appeal, the Federal Court of Appeals for the Fifth Circuit overruled the finding, holding that mere membership in the Communist Party, without further evidence that Strecker advocated the violent overthrow of the government, was insufficient grounds on

70 *Id.*
which to base deportation. This opinion conflicted with holdings in similar cases in five other federal circuits, which would have allowed deportation based on Communist Party membership alone.\textsuperscript{71}

Perkins’ position, based on the advice of Solicitor Reilly, was to await the Supreme Court’s decision in the \textit{Strecker} case, which would reconcile the conflicting opinions of the federal circuit courts and provide the Department of Labor with a direction to take in the case of Bridges. For the Dies Committee, this was a fateful decision. To Dies and the Committee members who wanted Bridges out of the country, the fact that his presence in the United States did not deeply offend the Secretary of Labor to the point where she would continue to pursue him regardless of the status of \textit{Strecker}, was considered evidence of her desire to protect and coddle Bridges and other alien radicals.\textsuperscript{72}

Bridges name had come up frequently during the Committee’s hearings on Communist influence in the CIO. Several witnesses had alleged him to be a Communist who used the alias Harry Dorgan. The first formal accusation that Bridges received aid and comfort from well-placed Labor Department officials came in August 1938, from Committee investigator Edward Sullivan. Three days later, the Deputy Commissioner of Immigration and Naturalization, Thomas B. Shoemaker, appeared at a Committee hearing to present his department’s file on Bridges, and to list the Labor Department officials in charge of the case.

Indicating the direction the Committee's inquiry would take, Shoemaker was asked whether any Labor Department official had ever privately consulted with Bridges, or shown him his file. Shoemaker answered that to his knowledge no such meeting had occurred. In response to another question, Shoemaker also reassured the Committee that he was providing the entire file, and that neither Perkins nor the Department kept any confidential material. But Shoemaker provided no testimony beyond establishing the authenticity and completeness of the files. For specific charges against Bridges, the Committee turned from the governmental agency responsible for conducting the official deportation investigation, to the Committee's old standby, a patriotic organization. 73

Margaret A. Kerr of the Better America Foundation of California, testifying after Shoemaker, provided a copy of Dorgan's Communist Party card, plus an affidavit from an informant named Markheim who had joined the Party under the name John Burton in order to gather information for Kerr and Better America. Markheim confirmed that Bridges and Dorgan were the same person. Kerr maintained that Markheim's account was trustworthy. Moreover, the affidavit was supported by two more affiants who attested that they knew that Markheim had been a Communist Party member in 1933 and 1934. Markheim's affidavit was then entered into the record. It stated that upon joining the CPUSA, Markheim was informed by an organizer that all members used aliases for protection from Party enemies. The affiant attended unit and district meetings.

72 Kessier v. Strecker, 95 F.2d 976 (1932); Martin, Madame Secretary, pp. 407-408.
where he met and had conversations with a man referred to as “Comrade Dorgan.” On another occasion, Markheim ran into Dorgan at the Communist Worker’s Bookshop in Los Angeles, but this time he was introduced to Harry Bridges.\(^{74}\)

Kerr’s testimony was remarkable for its restraint and procedural regularity. She presented an affidavit by someone with direct knowledge of the events (Markheim), and his affidavit was supported by exhibits and two additional affidavits. But not yet content, the Committee used Kerr’s appearance to advance its thesis that the Labor Department was sheltering Bridges. To prove its argument, the Committee focused on Kerr’s previous effort to expose Bridges’ Communist connections. Prior to her Dies Committee appearance, Kerr had already presented her evidence to New York Senator Royal S. Copeland, who, as chair of the Senate Commerce Committee, had publicly stated his belief that Bridges was a Communist. Copeland told Kerr that he had forwarded her evidence on Bridges to Labor Department Solicitor General Reilly. At the same time that she received this notice from Copeland, Kerr learned that Bridges had “hurriedly” left San Francisco for Washington, and that Roy Hudson of the CPUSA Central Executive Committee had “practically simultaneously” left New York for the capital. In addition, after Copeland forwarded Kerr’s material to the

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\(^{74}\) *Hearings*, Testimony of Margaret A. Kerr, pp. 712-723.
Labor Department, the informant Markheim began to receive "certain intimidations and threats against his life." 75

Dies, chairing the hearing, was content to leave these statements as they were, but Noah Mason interrupted to connect the dots in case any members of the press missed the point. The quick trip that Bridges and Hudson took to Washington and the threats to Markheim, Mason deduced, must have been the result of a leak by Copeland or the Labor Department. Dies quieted Mason by pointing out that he was drawing conclusions for which they had no evidence. But pursuing Mason's implication, Parnell Thomas asked the witness what she knew of Committee investigator Edward Sullivan's charge that government officials were aiding and advising Bridges. Kerr replied that the only information she had was hearsay. "But as I understand it," said Thomas, untroubled by legal niceties, "it is generally known and felt on the West Coast that this is so?" "That seems to be the general impression," Kerr answered. 76

After reviewing the Labor Department files presented by Shoemaker and the Fifth Circuit decision in Strecker v. Kessler, at the end of August, Dies wrote Perkins, arguing that the Department of Labor was unjustifiably postponing the deportation proceedings against Bridges. Dies claimed that the facts in each case were dissimilar, so that a Supreme Court ruling on Strecker would not necessarily affect Bridges, and that since Strecker was a Fifth Circuit case it had no bearing on Bridges, whose appeal would go to the Ninth Circuit. Citing other

75 Ibid., pp. 723-276.
76 Id.
Ninth Circuit decisions, Dies felt sure that it would find membership in the
Communist Party was sufficient for deportation.77

Moving into the substance of his argument, Dies pointed out that the Fifth Circuit held that Communist membership alone would not require deportation because the statute specified that the individual must advocate violent overthrow of the government, or belong to an organization that advocated its violent overthrow. In Strecker, the government had failed to introduce any evidence that either Strecker or the Communist Party "taught, advocated, or incited such overthrow." Dies wanted the Labor Department to continue its action against Bridges because even if the Supreme Court upheld the Fifth Circuit, it meant only that the government needed to prove advocacy. Moreover, after reviewing the file, Dies believed the INS had all the evidence it needed to prove both that Bridges was a CPUSA member and that the Party advocated violent overthrow.78

Dies also noted that the statute in question was broader than mere advocacy of violent overthrow: it required the immediate deportation of any alien who believed, advised, advocated, or taught; or any alien who belonged to or was affiliated with any organization that believed, advised, advocated, or taught: 1) the violent overthrow of the government, or 2) the duty, necessity or propriety of assaulting or killing an officer of the government, or 3) unlawful damage or destruction of property, or 4) sabotage. Based on the evidence in the files, Dies

77 Dies to Perkins, August 29, 1938, NARA, RG 233, Series 2, Box 4, File: Perkins, Frances, Secretary of Labor, 1939.
78 Id.
believed that Bridges could be deported on several of these grounds. One witness saw Bridges pay membership dues to the Communist Party, and testified that Bridges said he had squads of men to beat or destroy the homes of his opponents. On another occasion, Bridges allegedly remarked upon viewing a US battleship in the harbor, "We will see a day when we can sink those damn things because they are the enemy of the worker." Other witnesses stated that Bridges aroused class hatred, and that he once said, "To hell with the President of the United States."\(^79\)

Reinforcing Dies' view that the Department of Labor not only had enough evidence to proceed against Bridges, but that it was protecting the labor leader, were letters and telegrams from the files of the Labor Department's Seattle District Director, Raphael Bonham. Bonham wrote that the case presented in Strecker had been weak, but that he could prepare a stronger one against Bridges. He had lined up former Party functionaries who would attest to the fact that the Party sought to overthrow the government by force or violence.

\(^79\) Id. The relevant sections of the statute are United States Code, Section 137, Title 8. Other aliens excluded—in addition to the aliens who are by law otherwise excluded from admission into the United States, the following persons shall also be excluded from admission into the United States:

(a) Anarchists. Aliens who are anarchists.
(b) Aliens opposed to, or disbelieving in, organized forms of government....
(c) Aliens believing in, advising, etc., overthrow by force or violence of United States government, or all forms of, unlawful assaulting, or killing of any Government officers, unlawful damage etc., to property, or sabotage. Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches (1) the overthrow, by force or violence, of the Government of the United States or of all forms of law or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States, or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage. 8 U.S.C.A. 137.
Additionally, as evidence of advocacy of violent overthrow, judges were usually willing to take judicial notice of Communist literature that expressed the Party’s revolutionary views—such evidence had not been offered in *Strecker*. Bonham also feared that by the time the Supreme Court issued its *Strecker* opinion the government witnesses would have been frightened away, particularly in light of a boast Bridges made to Bonham in which he claimed to have personally viewed the INS Central Office file on him, and that he was “well informed of what was going on.” Dies found these arguments convincing. He read sinister motives into the scathing rebuke Bonham received from the Department of Labor Commissioner James Houghtelling, who claimed Bonham’s arguments were based on “imperfect knowledge,” and castigated him for his “arrogance of judgment and apparent zeal to put [his] superiors in the wrong.”

Most of Dies’ arguments were solid. But in what was a typical display of poor judgment, at the same time that Dies sent the letter to Perkins he released a copy to the press. The fact that Perkins did not receive the letter until after excerpts of it were published, inspired her biting replies to the congressman. “I cannot accept your analysis of the case and the bearing of the court decision upon it,” she told Dies, who was an attorney and a member of the House Committee on Immigration, “as it appears to me to have been made without sufficient knowledge of the law and of the very varied line of decisions which the courts have handed down in this class of cases.”

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80 *Id.*
81 Perkins to Dies, August 30, 1938, NARA, RG 233. Series 2, Box 4, File: Perkins, Frances, Secretary of Labor, 1939.
Perkins took issue with Dies' description of the Strecker and Bridges cases as dissimilar, arguing that in fact the Strecker case was stronger because he had admitted Party membership. Perkins did not, however, address the fact that Strecker's membership had only been for a four month period and had ended before he sought citizenship, the sole issue on which the Supreme Court decision would later turn. But Perkins correctly rejected Dies' contention that she should pursue the Bridges case because the federal appellate holdings on the subject were contradictory. This was precisely why she felt she should postpone the Bridges case—she wanted to wait until the Supreme Court had settled the matter. The contradictory appellate decisions, she pointed out, were the basis of the writ of certiorari.82

Although Perkins was justified in waiting for the Supreme Court to reconcile the conflicting appellate opinions, overall, Dies had the better argument about the Bridges case. His reading of the Fifth Circuit opinion in Strecker was correct. It held only that Communist Party membership alone was not proof of advocacy to overthrow the government. Dies wanted the Department to move forward by proving that Bridges was a member of, or at least affiliated with, the Communist Party, and that the Communist Party advocated overthrow of the

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82 Perkins to Dies, August 30, 1938, NARA, RG 233, Series 2, Box 4. File: Perkins, Frances, Secretary of Labor, 1939. The Supreme Court held that only "present membership or present affiliation" with an organization advocating violent overthrow of the government was grounds for deportation. Strecker's past membership in the Communist Party, therefore, was not a deportable offense. Having decided the case on these grounds, the Court further held that it was "unnecessary to pass upon the conflicting contentions of the parties concerning the adequacy of the evidence before the Secretary [of Labor] concerning the purposes and aims of the Communist Party or the propriety of the court's taking judicial notice thereof." Kessler v. Strecker, 307 U.S. 22, 33.
government. Perkins and her advisors had every right to wait for the Supreme Court decision in order, as she stated, to "...avoid unnecessary expense and multiple litigation in the lower courts." The Supreme Court's opinion could help the INS determine how to proceed against Bridges and how to frame the legal issues in the case. But Perkins did not base her decision solely on these grounds. She claimed that her advisors told her that if the Supreme Court sustained the Fifth Circuit ruling in Strecker, "the charges against Bridges, even if proved, had no legal significance whatsoever." But her assertion was absurdly weak. The Fifth Circuit did not say that membership in the Communist Party could never be grounds for deportation, only that membership alone could not be grounds. In Strecker, the government had simply failed to prove its prima facie case.83

The only evidence that the government presented to prove that Strecker was deportable under the statute was the fact that during the 1932 presidential campaign, when the Communist ticket consisted of William Z. Foster and James Ford, Strecker joined the Party and handed out literature. Neither Strecker nor any other witness testified that he believed in the overthrow of the government or that the Communist Party advocated the overthrow of the U.S. government. The government presented none of the literature Strecker allegedly distributed. Its only documentary evidence was a copy of Strecker's membership book and a 1934 copy of the Communist. Neither mentioned overthrowing the government.

83 Perkins to Dies, August 30, 1938, NARA, RG 233, Series 2, Box 4, File: Perkins, Frances, Secretary of Labor, 1939; Strecker v. Kessler 95 F.2d 976 (1938); Strecker v. Kessler, 96 F.2d 1020 (1938).
After surveying the evidence, Circuit Judge Joseph Hutcheson concluded, “the cause of liberalism is more retarded than advanced by forays for deportation on evidence like this.” The government simply did not prove the necessary facts. “We agree with appellant [Strecker],” Hutcheson wrote, “that the purported finding that he believes in and teaches, and belongs to or did belong to, an organization which believes in and teaches the overthrow by force and violence of the government of the United States, is without any support in the evidence, is mere fiating.” Holding that “there must be evidence in the record supporting the finding on which the order rests,” the Fifth Circuit reversed Strecker’s deportation order and sent the case back for trial de novo, presumably to allow the government to prove the facts that would warrant deportation.84

Although Dies was correct that nothing in Strecker necessarily prevented the Department of Labor from advancing its case against Bridges, had Perkins actually addressed the evidentiary issues that Dies raised she might have found questionable some of the proof he believed could be used against the labor leader. The fact that Bridges made a statement that at some undetermined, future date he might be able to sink battleships because they were enemies of the worker, was not evidence of any present intent to harm officers of the government or to commit sabotage, or even of advocacy to do so. Nor by any stretch of the imagination could a statement, “To hell with the President of the United States,” be considered actionable. If it could be proved, however, that Bridges paid CPUSA dues and had goon squads who beat his opponents and

84 Strecker v. Kessler 95 F.2d 976, 977, 978 (1938); Strecker v. Kessler, 96 F.2d 1020
destroyed property, and that the Communist Party advocated violent overthrow of the government, he could be deported. But the evidence Dies presented was weaker than he indicated. Serious doubts would be raised later about the affidavits of some of the witnesses who claimed to have seen Bridges at Party meetings.

Dies and Perkins sparred publicly about Bridges, but the Committee did not return to the topic again until October, when it heard testimony from Harper L. Knowles and Ray E. Nimmo. Knowles, claiming to be chairman of the Radical Research Division of the California American Legion, was another representative of a patriotic organization. Nimmo was his counsel. Knowles' testimony included the accusation that California Governor Culbert Olson and other California Democratic candidates for office in November 1938, had Communist ties. But the bulk of his information related to charges against Bridges. As often occurred in earlier hearings, the Committee insisted it was interested only in unbiased testimony. But it then provided a forum in which prejudiced witnesses could appeal to the public. Knowles, for example, had not been completely honest in the way he represented himself to the Committee. Although he claimed only that he was an American Legionnaire, he was also affiliated with the Associated Farmers of California, an anti-union federation of growers, agricultural processors and business interests in the state. His interest, therefore, was not merely in fighting un-Americanism, but in fighting unionism. Knowles' entry into the fight against subversion had come as a result of his disgust over the 1934 Maritime (1938).
Strike. At the time, he was a commander of the Legion’s San Francisco branch. Convinced that the labor strife was the handiwork of Communists, Knowles organized a committee to keep suspected radicals under surveillance during the course of the strike. After it was settled, he continued to expand his committee. He set up shop in the San Francisco Civic Center while his investigators and informants fanned out across the state. Soon, he was working closely with other members of the West Coast anticommunist network, including Captain Red Hynes of the Los Angeles “red squad,” Captain John Keegan of the Portland Police Department, and the State Bureau of Criminal Identification. Despite all this effort and his extensive connections, both the Associated Farmers and Henry G. Watters, Department Commander of the American Legion in California, denied that Knowles had the authority to speak for their groups. Yet, the Committee ignored these statements.85

Knowles had frequently contacted Frances Perkins, sending her reports alleging Bridges to be a Communist. But much of his evidence consisted of worthless, second-hand stories and rumors to which Perkins paid little attention. Knowles and his informants, therefore, began to look for anyone who could swear to having seen Bridges at a Party meeting. During Bridges’ 1939 deportation hearing, his attorney, Carol Weiss King, had accused Knowles of participating in a “get-Bridges” conspiracy. According to King, Knowles would go to any length to convince authorities that Bridges was a Party member.86

Such an argument was to be expected from Bridges’ lawyer. But the conclusion of James M. Landis, Dean of Harvard Law School, who served as the judge in the deportation hearing, was not much more forgiving. Landis described Knowles as

...neither a candid nor a forthright witness. His memory tended too frequently to become clouded when answers might have proven to be too revealing. Recollection, even when it existed, tended at times to be suspiciously faulty. Because of these tendencies it becomes necessary on occasion to disbelieve him and also to treat a hesitant qualified admission torturously wrung from him as far more significant than would be the case with an open witness.

The testimony Knowles gave at this 1939 deportation hearing, was essentially the same he gave to the Dies Committee.87

Landis’ negative assessment of Knowles’ reliability highlights a weakness of the congressional investigative process. The Dies Committee acted as prosecutor, judge and jury, but defense attorneys did not factor into the equation. Since Knowles was telling the Committee what it wanted to hear, it was not inclined to doubt his testimony or question his motives. In a judicial, or, in the case of the deportation hearing, a quasi-judicial setting, a defense attorney may attempt to impeach a witness on cross-examination.88 Rule 106(1) of the American Law Institute Model Code of Evidence explains: “for the purpose of impairing or supporting the credibility of a witness, any party...may examine him and introduce extrinsic evidence concerning any conduct by him and any other matter relevant upon the issue of his credibility as a witness.” Proper subjects of

88 Landis shocked Bridges’ attorneys during the 1939 hearing by stating that although the proceedings were technically civil in nature, he would impose the standards established for criminal trials in the Sixth Amendment to the Constitution. This included opening the proceedings to the public and allowing the alien to subpoena witnesses, protections which were uniformly denied in a typical deportation hearing. Ginger, *Carol Weiss King*, p. 264.
inquiry include “His motive, bias, interest, subjection to influence or any other similar matter likely to affect his testimony.” When presenting their defense in his 1939 deportation hearing, Bridges’ attorneys did what the Dies Committee failed to do—reveal Knowles’ bias by exposing his history of anti-subversive work.89

Knowles’ Americanism work for the American Legion Radical Research Committee brought him in contact with the army, navy, local sheriffs’ offices, the State Police Officers Association and immigration inspectors. But of special interest to Bridges’ attorneys was Knowles’ association with pro-employer groups that, in addition to the Associated Farmers, included private detective agencies, the Industrial Association of San Francisco and the Waterfront Employers’ Association. At the deportation hearing, Bridges’ lawyers, who had “surreptitiously gotten possession” of a box of material from Knowles’ office, proceeded to examine him in detail on the nature of his relationship with these anti-union organizations. Bridges’ attorneys established a nexus of interest between Knowles and these pro-employer groups that forced Landis to conclude:

...[T]he work of Knowles’ committee came perilously close to that of those organizations whose sole effort is to combat militant unionism. The spread of unionism was watched with concern, particularly its spread into unorganized agricultural areas of the State. A close differentiation was not always made between labor agitators and those truly engaged in subversive activities. Indeed, the close alliances that existed between Knowles’ committee and the powerful employer associations lead to the conclusion that Knowles, whether wittingly or unwittingly, was frequently made the tool of their policies.90

Although the absence of defense counsel in the congressional investigative process decreased the likelihood of exposing biased witnesses, the Committee bears the primary responsibility for failing to question Knowles’ and

89 Rule 106(1), (3)(c)(3), American Law Institute, Model Code of Evidence; see also Maguire, Evidence: Common Sense and Common Law, pp. 51 et seq.
90 Ginger, Carol Weiss King, pp. 282-284.
Nimmo's motives. Compounding the error, the Committee gave the witnesses a free hand to present their evidence in their own manner. In what Dies admitted was very unusual procedure, Nimmo rather than a Committee member, served as interrogator for Knowles. On occasion, Nimmo also acted as a witness and testified. Their testimony was based on several lengthy briefs which the Committee later entered into the record. To better emphasize the most important information, the witnesses believed that Nimmo should conduct the questioning. Because congressional investigating committees were not bound by formal rules, the Dies Committee was free to follow whatever procedure it chose. Allowing one witness to question another, however, was not the most effective means of arriving at the truth. As the 17th century legal commentator Mathew Hale remarked, putting questions to witnesses "beats and boults out the truth much better than when the witness only delivers a formal series of his knowledge without being interrogated." By assuming this passive role—mainly listening, occasionally interrupting with its own questions—the Committee risked ceding control of the proceedings to its witnesses. For example, Knowles presented his arguments with few supporting documents. Although he provided the Committee with a list of witnesses he claimed could corroborate his testimony, he offered no supporting affidavits. Knowles said that all the witnesses would be available to testify when the Committee began its California hearings. Based on the promise that at an unspecified future date it would hear from witnesses with first-hand information, the Committee allowed Knowles to present an essentially uninterrupted stream of hearsay.91

For documentary evidence of their claims, Nimmo and Knowles entered as exhibits copies of the *New Masses* and a book, *Men Who Lead Labor*, written

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by two self-professed Communists. Taking the book at its word, the witnesses assumed everything in it was fact. They gave no indication that they had attempted to corroborate anything independently. Explaining his reliance on this book, Nimmo stated, "As I say, Mr. Chairman, the great significance of this [book] is that....It is written from a Communist angle and viewpoint. It is describing an incident in which this man Harry Bridges was the main factor, the leader." Perhaps it did not occur to Nimmo that the fact that the book presented the "Communist angle and viewpoint" might also mean that the authors exaggerated Communist influence in order to glorify the Party. The Committee never questioned the quality or accuracy of this evidence.92

To illustrate Communist influence on the West Coast waterfront, Knowles reviewed the events of the 1934 maritime strike. He repeated the standard charge that Bridges had been seen attending Party meetings. Again, Knowles presented neither affidavits nor witnesses to corroborate this claim. Knowles described the formation of the International Longshoreman's Association, and the internal struggle that resulted in its first president, Lee J. Holman, being forced from office. According to Knowles, once the ILA was organized, Bridges and his faction, called the Albion Hall group, ran its own candidate for president against Holman. Holman won, but the Albion Hall gang "had not been content with the results of the election, and commenced immediately a campaign against Mr. Holman." The ILA set out to weaken and destroy the Blue Book by breaking its contract with the employers. To do this, it complained to the local NRA Board that the Blue Book discriminated against them, that they could not gain employment unless they joined the Blue Book, and that the Blue Book was a cover for a company union. A favorable NRA ruling held that the waterfront was

open to longshoremen regardless of union affiliation. Then came the first strike, when the Matson Navigation Company fired four workers for "refus[ing] to obey the orders of the pier superintendent." One hundred fifty men walked off the job, which ultimately required NRA arbitration. The Board ordered the men reinstated, and Matson rehired the strikers. After this success, reported Knowles, Bridges sought "more worlds to conquer," and began to plan for a "coast-wide strike." Bridges wanted to negotiate a single contract for all ports along the coast. The employers refused, claiming that each port had to make its own contract with the ILA.93

The ILA made its demands, which now included a closed shop, to the employers in March 1934. The employers refused to comply, and the union began to agitate for a strike. Knowles' narrative of events to this point had not included the role of the Communist Party, which he now addressed.94

According to Knowles, the Communist Party planned and directed the events leading to the 1934 strike, including breaking the Blue Book union with

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93 Ibid., pp. 1728-1730.
94 As evidence of the communist influence on the strike, Knowles presented a copy of an article from The Communist, a CP publication. Knowles claimed that it illustrated that the efforts to break up the conservative Blue Book union, create a new rank and file union, unify the Pacific coast, strike the coast, then call a general strike, were all planned in advance by the Communist Party. This article was written by California CPUSA district organizer Sam Darcy, who described the internal ILA struggle between militants and the "reactionaries" who wanted to establish a regular AFL union. The militants, wrote Darcy, succeeded in proposing a rank and file convention, which met in February 1934. Among the recommendations adopted at the convention were bans against arbitration and against loading Nazi ships. Knowles asserted that this was evidence that the ILA leadership "was not alone interested in the development of the unity of the longshoremen of the Pacific coast, but...proceeded at once to adopt the major thesis of the Communist International against its greatest enemies." The article also observed that the ILA strike had not yet reached its peak of militancy and that "movement toward a general strike is possibly too slowly, yet undoubtedly, moving forward." Knowles then quoted Assistant Secretary of Labor Edward F. McGrady, who had attempted to settle the strike. McGrady stated that the more radical element did not want the strike settled, and that the Communist Party, through pleas made directly to the rank and file and through its newspapers, urged the workers not to submit to arbitration. Hearings, Testimony of Harper L. Knowles and Ray E. Nimmo, pp. 1730-1734.
unreasonable complaints to the NRA Board, and then unjustly forcing the conservative Holman from the presidency of the ILA. This portion of his testimony contained a number of serious mistakes. Most of his assertions exhibited a pro-employer bias that completely disregarded the reality of the longshoremen's existence. NIRA's Section 7(a) guaranteed workers the right to bargain collectively through representatives of their own choosing, which meant that workers would no longer be forced to accept the Blue Book. Ten days after passage of the act, Lee Holman appeared on the San Francisco waterfront with a charter from Joseph Ryan's AFL union, the International Longshoremen's Association. The conservative Holman tried to entice workers into the ILA with an anticommunist appeal. Prior to Holman's appearance, the MWIU had been the most effective organizer of longshoremen. Longshoremen flocked to the newer, conservative union. The MWIU understood the appeal that the more traditional union had for the longshoremen, and began to focus its organizing on seamen, leaving the stevedores to the ILA, with whom it later sought an alliance.95

The ILA's first task was to defeat the employers' Blue Book union, about which Knowles was correct, but his version of events was skewed in favor of the shipowners. Because the employers and the Blue Book continued to adhere to a closed shop, they refused to hire any ILA members. The ILA complained to the NRA about the treatment its members were receiving from the Blue Book, which resulted in the NRA decision barring the Blue Book from discriminating against the rival union. Two weeks after the decision, the Matson Navigation Company fired four men, not as Knowles alleged, for "refusing to obey the pier superintendent," but for wearing ILA buttons. Although Holman advised the men

to remove their buttons and return to work, the longshoremen newspaper, *Waterfront Worker*, agitated for a strike. The ensuing five day wildcat strike went to the NRA's Board of Adjustments for arbitration. The Board ordered Matson, the largest employer on the San Francisco docks, to cease discriminating against the ILA. The ruling helped complete the exodus out of the Blue Book and into the new union. Following this victory, the ILA sought a contract with the ship owners, who refused to negotiate, leaving the rank and file eager to strike. Throughout, the conservative and timid Holman sought to accommodate the employers. Opposing him, Bridges and the Albion Hall faction urged a more militant stance. Bridges believed that Holman was an employer's agent and he thought it better strategy for the longshoremen to engage in self-help action, such as strikes or slow-downs, than to rely on the willingness of the employers to negotiate. The rank and file, upset over Holman's failure to pressure the employers, held a coast-wide referendum on whether to strike. The vote was 6,616 to 699 in favor of a walking off the job. Holman decided to ignore the referendum and was summarily suspended from the presidency. Following Holman's ouster, the longshoremen elected Bridges chairman of the strike committee and voted to follow his plan for the strike. Knowles' contention that Holman was ousted because the Albion Hall group and the Communists did not like the fact that he had legitimately won the presidency, was a complete fabrication. The Party might have initiated a propaganda campaign against Holman, but his downfall resulted from his refusal to acknowledge the referendum.96

Not content to blame the Communist Party for events in the 1934 strike, Knowles and Nimmo attributed much of the West Coast labor strife to Party

machinations. Knowles listed the unions comprising the Maritime Federation of the Pacific to show "the Communist thread running back and forth through these unions as their warp and woof." Once the Party had control of the maritime industry, it was able to use these workers in labor actions throughout California. The success of the 1934 strike emboldened Communists, who began to pick up the speed and pace of their activities. According to Knowles and Nimmo, Communists "more or less" coordinated a series of actions across the state. A lumber strike in Eureka, a miner's strike in Jackson, a warehousemen's strike in Crockett, and a lettuce strike in Salinas were all examples of how the Party ferried the ILA around California to prop up what otherwise would have been failed causes. Any violence that ensued was blamed on the longshoremen. Since Knowles offered no evidence to prove any of his claims about these unions, his testimony was little more than assertions and conclusions. This is not to say that Communists did not have members in or influence these unions. But Knowles had no proof of his claims.97

Setting aside the lack of evidence or misstatements of fact, the Knowles and Nimmo testimony usually displayed a pro-employer tendency. But since the Committee failed to question witnesses from the ILA, only one side of the story was presented. Nimmo's bias was revealed when he summarized Knowles' testimony at the end of the first day. Until Bridges came along, the unions operating on the West Coast "had no particular trouble with the ship owners and the operators," Nimmo explained. "...[T]he first main object of this Communist group was to get rid of the legitimate, conservative, strong labor union leaders, who had been in power for years." This may have been a correct statement of facts—the Blue Book did get on well with the ship owners—but Nimmo was

ignoring the fact that the union was *controlled* by the ship owners. He also completely excluded from consideration the sentiments of the stevedores. Doing away with the Blue Book union was the goal not only of Communists, but also of the conservative ILA, and the vast majority of longshoremen. To blame Communist influence alone for the demise of the Blue Book was a ridiculous interpretation of events. But Nimmo and Knowles traced all West Coast agitation to Communists.98

To the arguments that labor tensions were created not by Communists, but by the longshoremen’s abysmal working conditions, Knowles and Nimmo responded that Communists were not interested in wages, hours and the shape-up. Communists wanted a general strike, said Nimmo, “to bring about a state of chaos, which is typically communistic.” At this point Committee member Joe Starnes interrupted to emphasize that many on the Committee were sympathetic with “legitimate labor union demands. But when it gets beyond that field and becomes a matter of absolute lawlessness and a reign of terror directed by the Communist Party, as part of the Communist Party program,” he concluded, “then we have an entirely different proposition.”99

Despite the bias and misinformation on display in the hearings featuring Knowles and Nimmo, their general claim that Communists played a large role in the 1934 Maritime Strike, and in strikes throughout California and along the West Coast, was accurate. Communists were active in the trade union movement where their superior organizing skills and knowledge of strike tactics were much in demand and greatly appreciated. “Look,” said Bridges when asked during his 1939 deportation hearing about Communist involvement in the 1934 strike, “we took whatever help we could get and we were grateful for it.” This did not mean,

99 *Id.*
however, that longshoremen were on the verge of a revolution. During the peak of the 1934 strike, the San Francisco press, the Chamber of Commerce, Assistant Secretary of Labor James McGrady, and employers' representatives, all expressed the fear that Communists had taken over the ILA and were directing the strike. Communists did recruit during the strike, had influential fractions within the participating unions, and six to eight Communists sat on the ILA strike committee. Nevertheless, the strike was a genuine rank-and-file uprising prompted by years of abuse and degradation. As it happened, the goals of the strikers and the Communist Party coincided at this moment. Longshoremen may have relied on the Party for organization and strategy, but they were never manipulated by the Party—that was never necessary.  

In order to exercise any lasting influence, Communists had a major obstacle to overcome—the conservatism of the American worker. The MWIU and the Party agreed to support the AFL’s International Longshoremen’s Association because they understood that the workers were too conservative to join a Communist union. The Party realized that had it not agreed to cooperate and support the ILA, it would have been pushed aside in the movement to organize the maritime industry. As Bridges had observed, the longshoremen would support trade unionism, but would never get on board with revolutionary trade unionism. Knowles and Nimmo believed, and Communist Party leaders may well have believed, that by controlling the trade union movement from behind the scenes, the Party could eventually radicalize workers and assume control. If this was the Party's belief, it was at best a rationalization. Longshoremen, like most American workers, were interested in bread and butter issues. Once their demands were met, they settled down again. It was a classic

example of the dangers of reformism that Lenin had warned against in *What Is To Be Done?*

As the Knowles and Nimmo testimony moved from Bridges’ actions on the West Coast to the question whether the Department of Labor could deport him, Dies re-assumed control of the hearing. Dropping all pretense of being an impassive fact gatherer, he took on the role of prosecutor and attempted to make the case that Bridges was deportable. Knowles and Nimmo, who had previously been allowed to testify with little interference, now found it difficult to complete a sentence without the Chairman interrupting to make arguments, read correspondence from Perkins, and comment on the *Strecker* case. Dies laid out the same argument in the hearings that he had made in his letter to Perkins. In true lawyer fashion, he made small speeches detailing his argument, put a question mark on the end, then turned to the witness for assent. “Since the Supreme Court has held many times that each case stands on its own merits and is to be governed by the facts in that particular case,” asked Dies, “the [*Strecker*] case has absolutely nothing to do with the *Bridges* case. And it indicates that the [*Strecker*] case was seized upon as a welcome opportunity to suspend deportation proceedings against Harry Bridges?” “That would be my conclusion; right to a ‘T,’” Nimmo replied compliantly. When Nimmo suggested that the “reason for delaying the deportation hearings could not have been anything more than a subterfuge,” Dies agreed and told the witness the story of Joseph Kowalski. “There are probably many others?” Nimmo ventured. “There is no ‘probably’ about it,” Dies answered, “We have the record of seven or eight in the same category.” Dies then went on to read quotes taken from depositions found in the INS file on Bridges. These were the same witness statements he detailed
in his letter to Perkins. Periodically Dies would turn to Nimmo, who would assure him that his interpretation was absolutely correct.101

The argument that Dies presented in the Knowles and Nimmo hearing was the second time he had publicly attacked the Labor Department’s interpretation of Strecker. After reading in the press that the congressman was dissatisfied with the Justice Department’s petition asking the Supreme Court to review the case, in late October 1938, Solicitor General Robert Jackson invited Dies to assist the Department in preparing the Strecker brief for the Supreme Court. Dies immediately accepted. “From my study of the record in this case,” he wrote Jackson, “I think that the Department of Justice certainly needs some assistance.” In twenty-four pages, Dies again outlined his problems with the Labor Department’s view of the case. The Labor Department had made a mess of things, Dies said, and was using the Department of Justice to “pull [Perkins’] chestnuts out of the fire.” Dies alleged that Perkins had misrepresented the facts and the law of the case in her letter to him, and that she had shown bias in her desire to protect Bridges from deportation. One of his objections was the fact that the Fifth Circuit had remanded the Strecker case for trial de novo, but the Labor Department had chosen instead to appeal to the Supreme Court. Once again, citing INS records, Dies presented a letter from Gerard Reilly to the Attorney General, in which Reilly stated that the government failed to produce its stock evidence showing that the Communist Party advocated revolution. But instead of retrying the case and presenting the appropriate evidence, then working back through the appellate system with a complete record, Immigration chose to appeal a “doubtful case” to the Supreme Court. Furthermore, Dies

was incensed that in its writ of certiorari, the government had presented only a single question, whether membership in the Communist Party for a short time in 1932 was sufficient grounds for deportation. Dies was careful to state at the end of his letter that his criticisms were aimed at Perkins and the Department of Labor, and that he considered the Department of Justice to have been a victim of deception. At Jackson's suggestion, Dies submitted an *amicus curiae* brief to the Supreme Court in the *Strecker* case.102

At the start of December, the Committee heard from more witnesses regarding Bridges' Communist connections. Captain John Keegan, Chief of Detectives of the Portland Police Bureau testified that his department had concluded that Bridges was a Communist "working under the guise of [a] labor leader," and introduced several supporting affidavits. In addition to the affidavits, Keegan claimed to have at least twenty witnesses who could testify about "operations of the whole Communist Party on the Pacific coast." But as with Knowles and Nimmo, the witnesses who could verify Keegan's unsubstantiated claims were in the state of Washington, and would be available only when and if the investigation moved west. Keegan did admit the affidavits of Herbert Mills and John Leech into the record, both of whom claimed that Bridges was a Communist. Leech stated that he attended Party meetings with Bridges and that in 1936, Bridges was a member of the central committee of the CPUSA. Keegan also presented the affidavit of Arthur Kent, which outlined the "whole Communist set-up in San Francisco." Because Kent was currently in jail on a burglary charge, the Committee discussed the hazards of accepting his testimony. Keegan believed Kent was reliable because he had provided information in the

past that proved to be true. Ultimately the Committee accepted the affidavit because as Dies noted, "A good many times you have to go to that class of people in order to get your information."103

Mills and Leech, whose affidavits Keegan gave the Committee, were two witnesses on whom the INS would later rely in the Bridges deportation hearing. In contrast with the minimal scrutiny applied by the Dies Committee, during the deportation hearing, Bridges’ attorneys succeeded in casting doubt on these witnesses. Although Bridges’ biographer has described Mills as a member of the "sailor’s union goon squad," it was Leech who generated the most suspicion. Leech was a former Party official who testified at Bridges’ deportation hearing where he contradicted himself and presented two affidavits that directly countered each other. On cross-examination, Bridges’ attorneys presented Leech with an earlier affidavit in which he swore that he had been approached by American immigration and intelligence officers who offered him $1000 to testify in a United States District Court that he had sat in Communist Party meetings with Bridges. In the affidavit, Leech stated that he refused because to his knowledge Bridges was not a Party member and he had never seen Bridges at a meeting. After this refusal, Leech’s affidavit continued, he was offered a $2000 bribe, which he again refused. When confronted with this affidavit, Leech claimed he neither wrote nor signed it. The defense next produced a lawyer and secretary who had witnessed Leech sign the document. Leech then claimed that he had in fact signed the earlier affidavit, but had lied. He only agreed to tell the truth about Bridges after Oregon officials offered to move him to Portland and provide him protection. On cross-examination, however, Leech was forced to admit that he moved to Portland to avoid his legal problems in California. Leech’s attempt

103 *Hearings, Testimony of Captain John Keegan*, pp. 2910, 2912-2916.
to talk his way out of these contradictions prompted presiding Judge Landis to remark that he suffered from "verbal hemophilia." Landis attributed Leech's inability to answer a simple question in a straightforward manner to "equivocation following upon [his] being caught in earlier misstatements...."¹⁰⁴

The Kent affidavit was equally suspicious. Arthur Kent, also known as Arthur Scott, was also known as Arthur Margolis. He had allegedly held Communist Party meetings above the Pierre Chateaux, a restaurant frequented by Bridges. The problem with Kent's affidavit was not simply that he had been arrested for a burglary and so might be considered an unreliable character. Kent had been arrested in Beverly Hills and charged with thirteen counts of burglary. When the police discovered Kent's background, they called "Red" Hynes of the Los Angeles red squad. After meeting with Kent in his cell, Hynes emerged with the affidavit stating that Bridges was a Communist, which he immediately sent to John Keegan in Portland. At Kent's subsequent trial, the judge dismissed eleven of the thirteen burglary charges. Kent pleaded guilty to the other two. Keegan would later say that no deal had been made, but that "the judge appreciated his valuable services to the government." Soon after he began his prison term, Kent applied to have the sentence commuted. To support Kent's request, Keegan sent his own affidavit, four from Portland red squad detectives, and one from the Governor of Oregon, Charles H. Martin. The sentence was commuted to time served and Kent was released from prison.¹⁰⁵

Leech, Mills and the other witnesses were part of what Bridges' lawyer Carol King later alleged was a conspiracy to destroy him. Included in this group were Harper Knowles, Keegan, Hynes, and Bonham and Norene of the INS.

¹⁰⁴ Larrowe, Harry Bridges, pp. 140, 151, 154-155; Ginger, Carol Weiss King, pp. 274-276.
¹⁰⁵ Larrowe, Harry Bridges, pp. 162-163.
Using Leech’s and Kent’s affidavits as examples, King argued that the “get-Bridges” group paid for affidavits or agreed to arrange for lenient prison terms in exchange for claims that Bridges was a Communist. The people who King claimed should not be trusted to provide honest information about Bridges were the very people on whom the Dies Committee relied. But since the ostensible purpose of the Committee’s hearings was not to prosecute Bridges but to fact-find, there was no opposing counsel to question the reliability of its witnesses. Had the Committee bothered to call Bridges or other witnesses who could present Bridges’ side of the story, the doubts raised by King during the deportation hearing might have surfaced earlier. Although Dies should have made an effort to hear from both sides, the problem was due as much to the inherent weakness of the congressional hearing process.106

Despite the dubious nature of some of the evidence and witnesses, Dies’ objection to the Department of Labor’s handling of the Bridges case had merit, and he was not willing to drop the matter. The Committee’s 1939 Report to the House of Representatives castigated Perkins for her failure to deport Bridges. Twenty-one days later, J. Parnell Thomas introduced a resolution on the floor of the House seeking the impeachment of the Labor Secretary, along with INS Commissioner Houghtelling, and Department of Labor Solicitor Reilly. Thomas alleged that the three officials had “failed, neglected, and refused to enforce…immigration laws of the United States; and ha[d] conspired together to violate the immigration laws of the United States; and ha[d] defrauded the United

States by coddling and protecting from deportation certain aliens illegally...in violation of the statutes in such cases made and provided.\textsuperscript{107}

The Dies Committee report, followed by Thomas' impeachment resolution, were the culmination of an unrelenting attack undertaken by the Committee during its first seven months of investigation. For months Perkins silently endured the assault and the hate mail it engendered. The Secretary found she was unable to speak in public without also having to fend off the inevitable question whether she was a Communist. A rumor circulated that Perkins had been born in Russia, that her real name was Matilda Wutzki, and that she was still an alien, now living in the United States under an assumed name. With the start of the new Congressional session Perkins had attempted to forestall further accusations by sending a statement addressing Dies Committee criticisms to the Chair of the House Labor Committee, Mary Norton. In the letter, Perkins observed that while the Committee report maintained that the Labor Department need not await the outcome of Strecker because Harry Bridges had advocated the violent overthrow of the government, it did not offer evidence to support this assertion. Perkins denied that she had neglected her duty, stating, "It must be remembered that the Secretary of Labor has been given no roving commission by Congress to deport all aliens whose activities happen to be unpopular with many people." But this was a disingenuous argument since Dies had presented his evidence in the lengthy letter he wrote to Perkins in 1938. Nor did Perkins'

\textsuperscript{107} Kessler v. Strecker, 95 F.2d 976 (1932); Martin, Madame Secretary, pp. 407-408; Congressional Record, 76th Congress, January 24, 1939, pp. 703 et seq. Thomas based the authority of the House to impeach Perkins, Reilly, and Houghtelling on the Constitution, Article XI, Section 4: "The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors" (emphasis added).
letter placate Thomas, who offered his impeachment resolution the day after it was read to the House.108

Perkins believed that the impeachment resolution was the work of Dies himself rather than Thomas. She was curious as to why Dies seemed to bear her such hostility since he had nothing to gain politically by attacking her, given that the Labor Department had little concern with the oil or agricultural interests of his district. She recognized, however, that Dies seemed to be obsessed with the alien issue. Regardless who was responsible for this latest challenge, she was presently faced with a serious threat to her future in public service.109

Thomas’ resolution of impeachment presented the same arguments that Dies had made in his initial letter to Perkins. He based the resolution’s charges on information gathered in Committee hearings and presented in the Dies

108 Martin, Madame Secretary, pp. 409-410; "Perkins Defense is Read to House," New York Times, January 24, 1939, p. 13; Excerpt appearing in Secretary of Labor Perkins’ letter to Representative Norton, January 24, 1939, NARA, RG 233, Series 2, Box 4, Folder: Perkins, Frances, 1939. The charge that Perkins’ real name was Wutzki, making her either a Russian or a Jew, or both, depending upon which accusation her enemies chose to make, was based on the misinformation that Perkins married Paul Wilson in February 1910 in Massachusetts. The only marriage certificate uncovered for a Paul Wilson based on the foregoing information was one to a Matilda Wutzki, a native of Russia. Perkins did marry a Paul Wilson, but the date was September 26, 1913, in New York City. Despite the fact that this discrepancy could easily be proven false, the rumor continued to circulate, particularly in Nazi literature. Anonymous letter, NARA, RG 233, Series 2, Box 4, Folder: Perkins, Frances, 1939: Martin, Madame Secretary, pp. 122-123.

109 Perkins’ biographer noted that she never understood why it was Thomas, rather than Dies introduced the resolution. If in fact she was correct in assuming Dies himself was the moving force behind the impeachment effort, Thomas may have introduced the resolution because Dies was home recovering from an illness during much of this period. Perkins attributed Dies’ attitude to the fact that he came from “that part of Texas which was part of the deep South, and he cherished those strange hidden feelings of the defeated...He was a grandson of the Civil War, had grown up in a small town, haunted by poverty and by social changes that had come about by the abolition of slavery.” She wondered if she and immigrants new to the country represented the “triumphant, industrial North” against which Dies subconsciously lashed out. Martin, Madame Secretary, pp. 411-412.
Committee report. On the motion of Sam Rayburn, the resolution was submitted to the Judiciary Committee without debate.\textsuperscript{110}

Later the same day that Thomas introduced the impeachment resolution, a lone member in the House objected. Samuel Dickstein, the Chair of the Immigration and Naturalization Committee, who had worked so tirelessly to create the Dies Committee, expressed his dissatisfaction with the resolution. First, under the present legal structure, Dickstein observed, there was little that Perkins could do about deporting Bridges. Moreover, he continued, Committee Chair Dies knew this very well because in 1932, as a member of the Immigration Committee, "the gentleman from Texas pointed out that under the existing immigration laws membership in the Communist Party, as such, does not constitute grounds for exclusion or deportation of aliens." Dies had worked with Dickstein to propose new legislation that would apply to cases such as Strecker and Bridges. These efforts had failed and the law remained limited.\textsuperscript{111}

Dickstein's second objection was based on his assessment of why Dies, who knew better, was criticizing Perkins for a situation in which she had no legal recourse. The Dies Committee Report, Dickstein reminded the House, contained no suggestions for remedial legislation. In addition, while the Committee busied itself demonizing organized labor, Nazi and fascist organizations continued their activities unmolested. "[W]hile they were chasing Bridges," Dickstein complained, "the Nazi Bund, the 'black shirts,' the 'blue shirts,' all the 'dirty shirts' in this country were working overtime." Had the Committee asked him for help, the congressman noted, he could have provided information on thirty-two Nazi camps within the United States. The investigation focused instead almost exclusively on communism and its links to the New Deal. Given the focus of the

\textsuperscript{110} Congressional Record, 76th Congress, January 24, 1939, pp. 703 et seq.
\textsuperscript{111} Ibid., p. 732.
inquiry and the impeachment motion against Perkins, Dickstein was forced to conclude that the "investigation was nothing but an attack on Democrats. It was an underhanded campaign against our own democracy." Rather than address the very real and serious threat to the United States posed by un-American activities, "the committee has preferred to create a bogie, to discredit responsible officials of the State and Federal Governments and frighten the public with a report citing startling conclusions about something that does not exist at all."112

Gerard Reilly and Eleanor Roosevelt urged Perkins not to take the impeachment charges too seriously given that both the Judiciary Committee and the House were controlled by Democrats. "It's all nonsense," Franklin Roosevelt told Perkins. "Who is this fellow J. Parnell Thomas? I hear his real name is Feeney. Why did he change his name? Who bothers about him? Don't pay any attention to him. You've done the right thing." The President was right. Thomas had changed his name from Feeney, and she need not have worried. But it was not lost on Perkins that Dickstein had been her sole champion; moreover, it was Perkins who was forced to endure the headlines and the public scrutiny. Accompanied by Reilly as counsel, the Labor Secretary appeared at the Judiciary Committee hearings on the impeachment resolution. She presented a statement, which was followed by a question period. Perkins' fear of impeachment was not allayed when Michigan's Earl C. Michener told her: "You have given us reasons that I am bound to respect, and I recognize that you had an administrative right to do this, but you don't convince me that Bridges is not an undesirable alien and should not be out of the country."113

112Ibid., pp. 733-735.
113Martin, Madame Secretary, pp. 413-415; Perkins, The Roosevelt I Knew, p. 319; Congressional Record, 76th Congress, March 25, p. 3286.
The Judiciary Committee heard other witnesses, solicited a statement from Dies, examined the Dies Committee report and accompanying hearing materials, and studied the *Strecker* case and related cases in other federal circuits. Reporting to the House on March 24, the committee rejected the resolution. The following day, it entered its full report into the *Congressional Record*. It stated that no evidence existed of a conspiracy to defeat the deportation of Harry Bridges. Given the conflicting judicial holdings, the committee concluded, it was a question of judgment whether to move forward with deportation charges against Bridges before the Supreme Court had ruled in *Strecker*. As to the charge that Perkins had not pursued the *Strecker* case in good faith, the committee commented that in fact the case could not have been retried in federal district court and that contrary to Thomas' claim in the impeachment resolution, the Bureau of Immigration and Naturalization had reopened the case in an effort to introduce more evidence into the record of activities of the Communist International and the Communist Party. Although the Judiciary Committee's opinion was that insufficient evidence existed to bring impeachment proceedings against the Labor Secretary, ten members of the committee issued a statement of "Additional Views" that criticized Perkins and the Department of Labor for being "lenient and indulgent" toward Bridges.\(^\text{114}\)

Three weeks after the failure of the Perkins impeachment resolution, the Supreme Court issued its *Kessler v. Strecker* opinion. As Dies had lamented in his letter to Robert Jackson, the only issue before the Court was whether an alien who had joined the Communist Party but whose membership had ceased at the time of his arrest, could be deported. For the majority, Justice Roberts held that deportation applied only to aliens who were *presently* in an organization

\(^{114}\) *Congressional Record*, 76th Congress, March 25, pp. 3285-3288.
advocating violent overthrow of the government, but did not apply to past membership. Once the Court had made this determination, there was no need for it to address the question of the adequacy of the evidence "concerning the purpose and aims of the Communist Party or the propriety of the court's taking judicial notice thereof."\textsuperscript{115}

Since the Supreme Court did not address whether membership in the Communist Party in itself was sufficient for deportation, the Department of Labor decided to proceed with its action against Bridges. A deportation hearing was scheduled for July 10, 1939, at the immigration office on Angel Island in San Francisco Bay with Harvard Law School Dean Landis presiding. The hearing, featuring many of the witnesses who testified for the Dies Committee, stretched over nine and a half weeks, after which Landis took two months to write his 152 page decision. Landis ruled that the evidence offered by the INS failed to establish that Bridges was a member of, or affiliated with, the Communist Party of the United States.\textsuperscript{116}

This, however, did not end Bridges' ordeal. In 1940, Louisiana's Leonard Allen introduced a bill in the House of Representatives that called specifically for Bridges' deportation to Australia. Although in effect this was a bill of attainder and, therefore, unconstitutional, it passed the House by a vote of 330 to forty-two. The bill moved on to the Senate, where it died in the Immigration Committee. In 1940, the FBI conducted a three month investigation that concluded Bridges was a Communist. This led to yet another deportation hearing in 1941, culminating in the 1945 Supreme Court decision in \textit{Bridges v. Wixon} in which the Court held for Bridges. Based on his denial that he was a Communist at his 1949 naturalization hearing, the government brought perjury


\textsuperscript{116} Larrowe, \textit{Harry Bridges}, pp. 146-147, 215-216, 224.
charges against Bridges that resulted in the 1953 Supreme Court holding against the government in *Bridges v. United States*. Despite all these efforts, the U.S. government was never able to conclusively prove that Bridges was a Communist.\(^{117}\)

Although he was openly sympathetic to the Party, Bridges always denied that he was a Communist. At his 1939 deportation hearing, he claimed that he did not know very much about the Party's teachings, except in regard to trade union matters. "But the general question, 'Do I believe in the teachings of the Communist Party?'" said Bridges, "as far as I have delved into them they are pretty much a matter of theory, and our hands are so full of practical matters that I generally stay with practical matters." He even expressed annoyance when it was suggested that his views on trade union issues reflected those of the Party. Observing that his experience in trade unions predated the Communist Party, Bridges remarked, "The labor movement in Australia is a pretty old one, and was a pretty militant and progressive one, and I learned a few things there that maybe came in handy later. So sometimes I get a little irritated when my views are ascribed to the Communist Party, because I had them before the Communist Party came into being."\(^{118}\)

\(^{117}\) Larrowe, *Harry Bridges*, pp. 146-147, 215-216, 224; *Bridges v. Wixon*, 326 U.S. 134 (1945); *Bridges v. United States*, 346 U.S. 209 (1953). A bill to deport Harry Bridges, see H.R. 9766, 76th Cong., 3d Sess., 1940. For the debate on H.R. 9766, see *Congressional Record*, 76th Cong., 3d Sess., June 13, 1940, pp. 8181-8215. For the Senate discussion on H.R. 9766, see *Congressional Record*, 76th Cong. 3d Sess., July 22, 1940, pp. 9557-9558. A bill of attainder is a special act of the legislature that imposes a death sentence on an individual for an alleged high offense such as treason without benefit of a conviction obtained through a judicial proceeding. The act deporting Bridges was technically a bill of pains and penalties, which is an act that imposes a sentence less than death. Both are prohibited by Article I, Section 9 of the Constitution. Black's Law Dictionary, 5th Ed. (St Paul: West Publishing Company, 1979).

\(^{118}\) Larrowe, *Harry Bridges*, pp. 36-37.
Although Bridges’ annoyance about the Party receiving credit for his ideas was probably sincere, it should be kept in mind that denial of membership was standard Party policy. In 1992, historians Harvey Klehr and John Earl Haynes, conducting research in archives opened after the fall of the Soviet Union, announced that, at last, they had uncovered definitive proof that not only was Harry Bridges a Party member, but that he had, as alleged in Dies Committee hearings, served on the Central Committee of the CPUSA in 1936.119

Frances Perkins always understood that the Department of Labor faced a conflict of interest in the Bridges matter. “On the one hand,” she later recalled, “we must enforce the immigration laws without fear or favor. On the other hand, in the effort to settle strikes and industrial disputes, we must deal with anyone who appeared to be effective and to represent the workers.” Prior to Bridges’ rise to prominence in the labor movement, she noted, no one at Immigration worried about deporting him for subversive activities. But she also conceded that his importance as a labor leader removed him from the realm of ordinary deportation cases. Perkins was sufficiently concerned about this problem that she sought the President’s advice. She followed his counsel which was, she said, “to carry out the law, if indeed the evidence supported a finding that made deportation necessary, but not to let our imagination run away with us.” Her assertion that she heeded Roosevelt’s suggestion to uncover the evidence then let the chips fall where they may was slightly disingenuous. As Dies accurately observed, the Strecker and Bridges cases were sufficiently different so that she could have pursued the latter without waiting on the Supreme Court to decide the former. Although the caution against “letting our imagination run away with us”

119 The authors have not yet made public the information they claim proves that Bridges was a Party member. Harvey Klehr, John Earl Haynes, and Fridrikh Igorevich Firsov, The Secret World of American Communism (New Haven: Yale University Press, 1995), p. 104, fn. 24.
was warranted. Dies was justified in believing the Labor Department was dragging its heels on the Bridges case. In the end, Perkins probably wished she had never heard of Harry Bridges. She later wrote that she did not know whether Roosevelt was kept abreast of the endless deportation saga, since she "took pains not to ask." 120

Dies' investigation of Communist influence in the CIO continued unabated for the life of the Committee. Frey's testimony ranged widely over Party presence within the CIO generally, but the Committee would later focus its inquiry on specific unions. The difficulty of proving that union members or officers were Communist was never resolved. Ultimately, the question almost always centered on some nebulous claim or evidence. Although the Committee's desire to expose Communist machinations within the labor movement was sincere, political issues were never too far removed from the debate. Even in cases where Dies had the better argument, such as in the Bridges matter, his campaign against the New Deal made his motives appear too blatantly partisan and increased the difficulty of winning any supporters to his cause. This was Dies' own doing, however, since he frequently overplayed his hand. It was not enough to publicly criticize Frances Perkins, he had to propose impeachment proceedings against her. Moreover, by making sensational claims about the Communist presence in New Deal agencies and the labor movement, Dies opened himself to the charge that he was ignoring subversive propaganda from the right—a claim that began to resonate as Hitler consolidated his power in Germany and began to look toward the rest of Europe.

Chapter Six:
"Hatred Begets Hatred":
Investigating Right-Wing Organizations

The Chairman:  [W]on't you agree that the first preparation to make for dictatorship is the promotion of hatred, whatever form it assumes? You never heard of a dictator rising to power through messages of love and understanding, did you?

Mr. Deatherage: Well, no; I would say no. Jesus Christ has been trying to do that for 2,000 years and he hasn't gotten away with it.1

“For four years Dies and his committee have, through a vigorous campaign of diversions and suppression, obscured the activities of the Nazi network, the fifth column in the United States,” wrote chairman of the National Federation for Constitutional Liberties, George Marshall, in 1942. To William Maloney, Special Assistant to the U.S. Attorney General, Marshall charged that Dies had conducted “superficial” investigations that amounted to a “whitewash” of un-American, right-wing figures including William Dudley Pelley, George Sylvester Viereck, Gerald B. Winrod, and James True. The National Lawyers Guild echoed Marshall’s criticisms. Its spokesmen claimed that “Martin Dies and his Committee is [sic] the ‘secret weapon’ with which Adolph Hitler hopes to soften our nation for military conquest.” The NLG’s New York chapter agreed: “Again and again the Dies Committee made promises of revelations to the

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1 Hearings, Testimony of George Deatherage, p. 3510.
Congress, carried out sensational raids, made front page speeches, but year after year for four long years its reports revealed nothing.\textsuperscript{2}

Congressional criticism waned as the European tensions edged toward war, but the Dies Committee’s inquiry into right-wing organizations had its detractors in the House. In 1939, New York’s Vito Marcantonio condemned not only Committee procedure, but also its failure sufficiently to investigate Winrod and the Ku Klux Klan. Adolph Sabath of Illinois questioned why the Committee did not expend a greater effort to inquire into the activities of the Pelleys and the Winrods. Another frequent Dies critic, the man who had worked tirelessly to initiate the investigation, Sam Dickstein, was bitterly disappointed because the Committee focused its attention on American Communists rather than Nazis. Although aware that his complaints might be perceived as sour grapes, Dickstein became one of the Committee’s most consistent critics. “I was not on the committee and I am not sore about it,” Dickstein told the House in 1940, “and I do not want anyone to tell me I am making this speech just because I am not on the committee. More power to the Dies committee. They have done a good job to a certain extent, but they have not done the job people expected them to do.”\textsuperscript{3}


\textsuperscript{3} \textit{Congressional Record}, 76\textsuperscript{th} Congress, 1\textsuperscript{st} Session, February 3, 1939, pp. 1116-1119, 1102; 77\textsuperscript{th} Congress, January 16, 1940, p. 396; December 12, 1940, p. 13906; 78\textsuperscript{th} Congress, February 11, 1941, p. 886; January 21, 1941, pp. 217-218; February 25, 1941, p. 1397, 1399.
Dickstein's hectoring grew louder as the apparent dangers increased. "Let us not make the mistake here of prosecuting a few minor Nazi agents while the really dangerous 'native Fascist' groups go unmolested, free to ply their anti-democratic wares in the market places of the nation," he cautioned. Despite what Sabath referred to as some congressmen's "patronizing and skeptical attitude toward the gentleman from New York," Dickstein soldiered on. He seldom failed to remind the House that he was the "spiritual father" of the Dies Committee, but that in spite of his urging, the Committee had refused to investigate "the Christian Front, the Christian Mobilizers, the White Shirts, the Black Shirts, the Dirty Shirts and so forth." According to Dickstein, the Committee had squandered its funds on weak witnesses. One young man, characterized by the press as a Nazi spy, said Dickstein, in reality, would have "sold his mother for a dollar or a good meal." Dickstein insisted that this witness told the Committee what it wanted to hear in a deal to prevent his deportation. Moreover, in a manner that implied the Committee was not interested in pursuing the fascist menace, Dickstein claimed that he had offered to aid the Committee, but it had refused him. "Dies does not want my evidence," said Dickstein, "it might be too good." Dickstein's remarks had grown so heated that in 1941 the House expunged some of his statements from the Congressional Record.\(^4\)

It was true that Dies was interested primarily in Communists, but many of his critics were what he labeled the "axe grinders." According to Dies, "Every group wanted the other groups investigated. Nazis wanted us to investigate

\(^4\) ld.
Communists and Fascists; Fascists wanted us to investigate Nazis and Communists; Communists, particularly, strenuously and vociferously urged us to investigate any group but their own.” The most consistent critics of Dies’ failure to investigate fascists more thoroughly were Communists and liberals. Congressman Marcantonio and the National Lawyers Guild, which the Committee accused of being a Communist front, fell into the latter category. Sabath and Dickstein, on the other hand, were motivated by Jews’ concerns about the overt anti-Semitism that characterized almost all right-wing organizations and individuals. And Dickstein’s intense anti-fascism may have been the factor that motivated him to spy for the Soviet Union. According to Allen Weinstein and Alexander Vassiliev, historians who in the 1990s discovered evidence of this relationship in the KGB archives, Dickstein began to criticize the Committee for focusing exclusively on Communists only after receiving an instruction to do so from Peter Gutzeit, a Soviet agent. But given Dickstein’s past opposition to native Nazi groups, it was unlikely that Soviet orders were the sole reason for his criticism of Dies’ focus on communism.5

5 Martin Dies, Martin Dies’ Story (New York: Bookmailer, 1963), p. 62. Dickstein’s activities on behalf of the Soviet Union were uncovered by Weinstein and Vassiliev in their study of the decoded Venona cablegrams and in the KGB archives. According to the two researchers, Soviet agents code-named Dickstein the “Crook” and believed that his antifascism was a sham—his true motivation for spying was old-fashioned greed. Given Dickstein’s background, his history in Congress, including his efforts to sponsor investigations of Nazism and fascism in the U.S., this characterization seems unlikely. Moreover, one may argue that the name, “Crook,” and the accusation of avariciousness was little more than an application of a Jewish stereotype. Nevertheless, Dickstein continued to spy for the Soviet Union even after the signing of the Nazi-Soviet Pact, which meant that any information he gave the Soviets had the potential indirectly to help Hitler. According to the Soviet agent Peter Gutzeit, Dickstein had promised that once he succeeded in creating a committee to investigate un-American activities, he would investigate not only Nazis, but Russian fascists as well. Included in this group were
A factor to be considered when judging the claims that the Dies Committee abetted right-wing organizations is the nature of the evidence used to make the argument. As proof that the Committee was engaged in a secret effort to give aid and comfort to “Fifth Columnists and saboteurs,” the New York NLG offered statements of support from fascist leaders for the work of the Committee. The NLG claimed that Martin Dies was the “American most frequently quoted by the Axis radio in programs beamed to the hemisphere,” that Pelley praised the Committee for exposing “the real subversive activities in our government,” that the Imperial Wizard of the Ku Klux Klan was equally enthusiastic about the Dies Committee’s work, and that in 1939 German-American Bundesfuehrer Fritz Kuhn stated he was in favor of the continuation of the Dies Committee. Each of these statements can be related back to Dies’ observation that “every group wanted the other groups investigated.” Unquestionably Dies’ main concern was the Communist threat, and as long as he focused most of his fire on the CPUSA, the Pelleys and Kuhns were happy. But while it was fair to accuse the Committee of shirking their investigation into American fascism, the National Federation for Constitutional Liberties went too far when it claimed that Dies “used his high office to shield and protect” right-wing subversives. One of the ironies of the Committee’s investigation was that many of these fascist groups considered

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Russian monarchists, Ukrainian nationalists, Japanese operatives, and Trotskyites. Dickstein may have said this to Gutzeit, but given his experience on the McCormack Committee and the fact that he always claimed to be uninterested in appointment to any new investigating committee, he could not possibly have believed that he would be appointed, much less dictate the agenda of a new inquiry. Indeed, Dickstein was not appointed to the Un-American Activities Committee, but he continued to provide the Soviets with information that included Dies Committee transcripts, and transcripts of a
themselves to be engaged in a patriotic, American endeavor. From their point of view, Communists and Jews amounted to the same thing and were the true threat to the nation. They did not understand that under the Committee's definition of un-American (groups which engaged in class or race hatred), they, too, were considered subversive.6

For example, the Dies Committee considered the Ku Klux Klan to be engaged in un-American activities because of its racist rhetoric, which it distributed through pamphlets and broadsides. The Klan, however, asserted that it was on the same side as the Committee—the side of Americanism. Officially, it hated Communists and fascists alike, considering both groups to be expressions of a foreign ideology. Each year when the House decided whether to renew the investigation, Imperial Wizard J.A. Colescott wrote Klansmen urging them to wire their congressmen in support of the Committee's work. This support came even as Colescott acknowledged that Dies had attacked the Klan when running for office in East Texas. Despite Klan support of the Dies Committee, following a joint rally of German-American Bundists and Klansmen in New Jersey, Colescott faced charges that his organization was un-American. Asserting that the Klan had nothing to hide, Colescott opened his files and offices to Committee investigators led by Robert Barker. Colescott ordered Klan members to cooperate fully, even permitting Barker to read incoming and outgoing mail. Colescott was mistaken if he believed that he could persuade the Committee of

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the Klan's Americanism by literally giving it the keys to the store. He was soon complaining to Dies that despite the Klan's total cooperation Barker had "tapped my phone and prowled through my wife's personal affairs."  

Similarly, Pelley, who had been bitterly opposed to Dickstein's investigation, was at first delighted with what he believed would be the direction of the Dies Committee. His newspaper, Liberation, quoting from James Trues' Weekly Report, wrote that because it was predominantly "Aryan and Christian"—unlike the "Jew-controlled" McCormack-Dickstein inquiry—the Dies Committee could be trusted. Nor would the Committee likely fall under Jewish control in the future since there were few Jews in the districts of the Committee members. To this assessment, Liberation added the hopeful news that Dies was German on his mother's side. This early view of the investigation mirrored that of other right-wing groups which were eventually placed under the Committee's microscope. The Silver Shirts did not see themselves as un-American. They believed they were engaged in a patriotic war to save the soul of America from Communists—by which they meant that they were saving America from Jews. That the Dies

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Committee, Aryan and Christian though it may have been, saw the Silver Shirts as un-American, would later shock Pelley and his followers.8

In 1938, when the Committee focused its attention primarily on Communists, Silver Shirts viewed the direction and tenor of the investigation with cautious optimism. Liberation kept a close watch on the Committee, maintaining a reporter in Washington who often attended public hearings and transmitted daily dispatches back to Pelley headquarters in Asheville, North Carolina. One "interesting sidelight" that impressed the reporter was the presence of Dies' young son, Bobby, by his father's side throughout these initial hearings. "He is an earnest, tow-headed youngster about seven or eight years old," he wrote, "and boy oh boy! Is he serious about it all? He really looks as an American boy ought to look." From this the reporter took comfort, but nevertheless remained wary. "And his dad acts like a real American ought to act," he observed, "thus far."9

Not only was the reporter favorably inclined toward the Committee, at times he appeared to be in denial, as when he interpreted Dies' smiling reference to the substantial amount of Silver Shirt material in the Committee's possession as "not exactly antagonistic." Perhaps this was understandable. John Frey of the AFL had already testified about communism in the CIO, Parnell Thomas had promised an investigation of the Federal Theatre Project, and the Committee had been polite to Bundist Fritz Gissibl, all of which he specifically noted.10

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10 Id.
By the end of August 1938, however, the bloom was beginning to fade from the Dies rose. *Liberation* began to express concern that the Committee had yet to expose the basic nature of communism, and its goal of "the extermination of the Gentile and his institutions in favor of the Jew." To make matters worse, Dies was planning to address the Jewish War Veterans. Although Pelley's paper was still crediting Dies for bringing Silver Shirt tenets to the public's attention, it also complained that he could do still more, and fretted that Jewish inroads into the federal government may have been too strong for any investigation to counter. But *Liberation* was still withholding judgment.\(^\text{11}\)

Pelley's dissatisfaction with the Dies Committee did not begin in earnest until the second year of investigation. The addition of New Dealer Jerry Voorhis to the Committee convinced him that the "White House Fish Peddlers" had seized control of the investigation to maintain pressure on Germans in an effort to distract attention from the activities of Communists. *Liberation* took to referring to the "Voorhis Committee—Martin Dies ex-chairman." Pelley's group would soon discover that Martin Dies was not the Aryan ally they had hoped for.\(^\text{12}\)

So while it was a simple matter for Committee opponents to find evidence of right-wing support for the investigation, such approval was fleeting. Nevertheless, many of the critics' arguments noted correctly that Dies tended to make expansive claims about upcoming investigations of fascist activity that never materialized, and that he often alleged to have names of fascist saboteurs

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\(^{\text{11}}\) "Don't Spoil It, Mr. Dies!" *Liberation*, August 21, 1938, p. 3; "Some Inside Impressions, Dies Committee in Session," *Liberation*, August 28, 1938, pp. 6-9.

that were never investigated or made public. After the Committee released its 1938 report, Dickstein added the complaint that for all the information it collected, it nevertheless failed to recommend any legislation, which was the primary justification for congressional investigations.\footnote{Dickstein’s criticism of the Dies Committee, \textit{Congressional Record}, 76th Congress, 1st Session, January 24, 1939, p. 733.}

These criticisms notwithstanding, public opinion and the House majority solidly supported the work of the Committee. Moreover, Dickstein was wrong. Committee members did draft bills related to un-American activities, but more significantly, the investigation put the public on notice about the intrigues of the extreme right.\footnote{Committee members did propose legislation attempting to address problems highlighted during the 1938 hearings. Some merely contributed to the popular rash of anti-alien legislation. In March, Dempsey contributed a bill to exclude and deport aliens who advocated “making fundamental changes in the American form of government.” Dempsey, with the support of veterans’ groups and labor organizations, was attempting to prevent foreign governments from financing the distribution of propaganda intended to “stir up strife” in political and labor circles by creating dissatisfaction with democratic government. As other congressmen pointed out, this bill suffered from overbreadth and vagueness. Its language could be interpreted to restrict fully protected activities such as amending the Constitution. Despite this objection, the House passed the bill with little debate. It did not survive the Senate. Joe Starnes also introduced four deportation bills, including deporting aliens who were “inimical to the public interest,” and one bill requiring the registration of all aliens. One of Starnes’ measures would have reduced immigration by 90 percent. The Dempsey bill was H.R. 4860, \textit{Congressional Record}, 76th Congress, 1st Session, p. 2512; the bills introduced by Starnes were H.R. 3031, H.R. 3030, H.R. 3029, \textit{Congressional Record}, 76th Congress, 1st Session, p. 661; H.R. 3392, \textit{Congressional Record}, 76th Congress, 1st Session, p. 966; H.R. 6724, \textit{Congressional Record}, 76th Congress, 1st Session, p. 6822. The ACLU objected to Dempsey’s bill that would deport aliens proposing “fundamental” changes to the American form of government. It suggested that the language be changed to “any” changes in the form of government. Dempsey revised the language before its passage by the House, although the new wording did nothing to improve the bill’s constitutionality. “Backs Deportation Bill,” \textit{New York Times}, March 16, 1939, p. 3; “House passes the Bill to deport All Aliens Urging ‘Any’ Change in Our Government,” \textit{New York Times}, March 24, 1939, p. 13.}

Raymond Clapper, in a classic expression of the utility of the
informing function of legislative investigations, reflected the general sentiment of the House of Representatives when he commended the Committee for “isolat[ing] the communist-Nazi centers of infection." "It has shown us where they are," he said. "We know the location and the extent of the infection. We know that it is neither large nor dangerous. We can and should keep it under observation." The First Amendment protected most of the activities of the organizations under investigation, and it was unlikely that they would be careless enough to leave evidence of illegalities for the Committee to find. But the Committee suspected that right-wing groups were conspiring to create a large confederation that would ultimately challenge the nation’s stability. Exposing the machinations of these organizations—sunlight as the best disinfectant—became the Committee’s main ambition.15

The first hearings conducted by the Committee, commencing August 12, 1938, concentrated on the topic that was the ostensible reason for which

military drilling by individuals wearing uniforms or insignias similar to those of foreign countries. It died in the Committee on Military Affairs. Parnell Thomas proffered a resolution that executive departments investigate the dissemination of propaganda. This resolution, too, met with little success. Finally, Dies proposed three pieces of legislation: H.R. 4905 sought the exclusion and expulsion of alien fascists and Communists; H.R. 4907 would have required the registration of "certain organizations," in particular fascist, Communist and anti-religious groups; and, H.R. 4909 would have barred Communists and fascists from government employment. Dies offered these bills as "rough suggestions" of legislation that might be considered by the Committee for recommendation. Dempsey’s bill was H.R. 4860, Congressional Record, 76th Congress, 1st Session, p. 2512; Thomas’ resolution was H. Res. 134, Congressional Record, 76th Congress, 1st Session, p. 3013; Dies’ bills were H.R. 4905, H.R. 4907, H.R. 4909, Congressional Record, 76th Congress, 1st Session, p. 2561; "Dies Bills Propose Red-Fascist Curbs," New York Times, March 10, 1939, p. 4.

Congress had authorized the investigation—Nazi propaganda in the United States. During the course of its investigation, the Dies Committee had gathered a mass of pamphlets, papers, leaflets, broadsides, books and other propaganda in every imaginable form, on over 260 individuals, organizations, and newspapers that it had identified as fascist. Included among these were the infamous, William Dudley Pelley's Silver Shirts and George Deatherage's Knights of the White Camellia; the obscure, the American Nordic Aryan Federation, the Molly Pitcher Christian Women's Brigade, the Mothers of Minnesota, and the German-American Vocational League; and America First and other groups that would argue against their inclusion on a list of fascists. While many of these organizations were made the subject of public hearings at some point during the Committee's tenure, the activities of the German-American Bund were considered among the most threatening.\footnote{\textsuperscript{16}}

Sam Dickstein's dogged determinism brought the Bund to prominence in the House of Representatives. The records and reports of the ensuing McCormack-Dickstein Committee represented the first effort to make an

accounting of the Bund. The origins of the German-American Bund lay in the anti-German reaction that accompanied the First World War. Although prior to U.S. entry into the conflict President Woodrow Wilson urged Americans to be neutral in thought as well as name, the fact that many Americans and much of the mainstream press favored the Allies placed German-Americans in an awkward position. The eight million Germans living in the U.S. were considered an immigrant success-story for their quick assimilation and economic accomplishments. Nevertheless, Germany still exerted a strong pull on this group. After the outbreak of hostilities in Europe, German language newspapers and some German-Americans defended Germany's view of the cause of the war and criticized the anti-German propaganda common in America. Unfortunately for German-Americans, however, their defense of the Fatherland was made more difficult by the espionage campaign Germany conducted from 1914 until 1917. Discoveries of passport fraud, attempts to bomb bridges, to sabotage cargo intended for the Allies, to disrupt transatlantic shipping, and to start fires and explosions in defense industries and storage depots, fueled a distrust of all things German.17

By 1917, when Germany declared unrestricted submarine warfare and the Zimmerman telegram was made public, anti-German sentiment soared in the United States. While these fears sometimes manifested themselves in ways that might seem amusing in retrospect—renaming sauerkraut liberty cabbage and

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Dachshunds victory hounds—other actions, such as banning German language from schools, churches and public places violated civil liberties. Allied propaganda fueled the hysteria by depicting Germans as blood-thirsty Huns. Passage of the 1917 Sedition Act and the Sabotage and Espionage Acts of 1918 made dissent against the war effort actionable at law. The result was suspicion, harassment, violence, and even the lynching of a German-American. Ironically, by the time that anti-German sentiment turned into hysteria, Germany had ceased much of its espionage and sabotage activities in the U.S. 18

The hostility directed at German-Americans during World War I served, Susan Canedy wrote, to "split their Germanism from their Americanism." Many German-Americans responded enthusiastically to patriotic calls to support the war, but nothing they did satisfied their critics. Determined never again to make themselves vulnerable to the kind of prejudices on display during the war, in the inter-war years most German-Americans assimilated into the mainstream of American society. A small percentage, however, embittered by their treatment, clung to their Germanness the more tightly. The ranks of disaffected German-Americans were augmented by 430,000 German immigrants who came to the United States between 1919 and 1933. Escaping their economically troubled and unstable homeland, these new arrivals carried with them the sting of a bitter defeat. This was Germany's "lost generation." Like immigrants before them, they gravitated toward others of the same national background. In many instances this entailed joining one of the many social and political German-

American organizations or, often, founding their own. Of these, approximately thirty were devoted to the principles of National Socialism. They were small and disorganized. Their memberships tended to overlap and they fought among themselves for recognition by Germany's National Socialist Party (NSDAP). Of these groups, the most important was the Teutonia Society, of which the German-American Bund was a direct descendant. Fritz and Peter Gissibl founded the Teutonia Society in Detroit in 1924. Supporters of Germany's nascent NSDAP, the Gissibls were typical of the members of the disaffected generation of German immigrants of the early 1920s. Although too young to have fought in the war, the Gissibls carried the scars of the defeat.\(^{19}\)

The Teutonia Society was an unabashed National Socialist organization. It published its own paper, \textit{Vorposten}, distributed pamphlets, and collected money for the NSDAP in Germany. The group promulgated Nazi beliefs, claiming that Germany had been "tricked" into signing the Versailles Treaty by "International Jewry," condemning the Weimar government, and praising the teachings of Hitler, whom they were certain would soon come to power and return Germany to greatness. The Gissibls' organization was not intended to carve out a niche for National Socialism in the United States, or in converting German-Americans to its cause. The purpose of the group was to teach newly arrived German immigrants the philosophy of National Socialism. The thinking was that these immigrants had been pushed out of their homeland by the

Weimar Republic. Once Hitler came to power, these Germans, properly trained in National Socialism, could return to the Fatherland and assume their rightful place. But Teutonia never officially affiliated with the NSDAP, and its ranks failed to expand greatly during the 1920s. The onset of the Depression, however, improved the Society's fortunes. By 1932, Teutonia had expanded from its Detroit base to include divisions in Chicago, New York, and Los Angeles.²⁰

Because Hitler hoped to unite Germans living outside Germany—their "racial comrades"—between 1933 and 1935 the NSDAP supported National Socialist groups in the U.S. Although on the one hand Nazis looked favorably on the United States as a country of Anglo-Saxon, indeed Germanic origin, they also considered it to be weak and corrupt. In the Nazi world view, the American "melting pot" ideal had served mainly to spread the contagion of Jewish blood. By organizing Americans of German birth or born to German parents, many National Socialist leaders believed the U.S. might be saved from Jewish control.²¹

²¹ Diamond, The Nazi Movement in the United States, 1924-1941, pp. 27-31. Leland Bell argues that Hitler was less interested in uniting Germans living outside of Germany under the banner of National Socialism than were other members of the party because Hitler believed that once Germans assimilated into other non-German cultures they became mongrelized and lost their racial identity. Of Germans living outside the Fatherland, Hitler was primarily concerned with those in nearby Austria and the Sudetenland region of Czechoslovakia. He had very little concern for the United States, in part because his views of America were "shockingly superficial and impressionistic." Hitler admired American industry and feared the U.S. as a potential world power. Its potential was so great because, in Hitler's view, it had wisely restricted immigration in the 1920s, effectively protecting its mixture of European "Nordic" races and preventing further mongrelization. The threat posed by the U.S. meant that after he had gained control of Europe, Hitler would have to defeat America. After Hitler came to power in 1933, his views on the U.S. had changed. America's inability to extract itself from the
Of the National Socialist groups in the United States, Teutonia enjoyed the most success in terms of membership. Still, it never received the NSDAP's official recognition. Although disorganized and prone to squabbling among themselves, NSDAP cells existed in large German communities throughout the United States. The many disparate cells vied for official recognition, claiming they could provide an American-based NSDAP the structure that Teutonia, which was comprised of many non-Party people, could not. So, despite Teutonia's numbers, in May 1931, NSDAP elevated a group of New York cells to official party status as the National Socialist German Worker's Party, New York unit (Gau-USA). By June, Gau-USA claimed divisions in Seattle, Detroit, Chicago, and Milwaukee. Gissibl disbanded Teutonia and encouraged his followers to join him in the new organization. One member who heeded Gissibl's call was Heinz Spanknoebel. An early member of the Teutonia Society, Spanknoebel quickly became the Gau-USA leader in Chicago and Detroit.22

The internecine struggles that plagued the earlier American NSDAP cells remained after the Gau-USA received official recognition. In 1933, Hitler became Chancellor of Germany and Roosevelt President of the United States. Although relations between Germany and the United States had been warm in the post-war years, this change in government ushered in a period of uncertainty. During this time, most Americans focused on domestic economic problems. Only American Jews expressed great concern over the elevation of the Nazis.

Depression led Hitler to believe the U.S. was in decline. It seemed to him that the U.S. had not stopped the mongrelization after all, now it was simply a non-factor in his plans. Leland V. Bell, *In Hitler's Shadow* (New York: Kennikat Press, 1973), pp. 8-9.
Nevertheless, the NSDAP was concerned that Americans did not understand National Socialism. In the 1933 summer it embarked on a propaganda campaign to improve its image in the United States. The NSDAP’s Minister of Propaganda, Josef Goebbels, enlisted the help of Edwin Emerson, George Sylvester Viereck and a public relations firm, Carl Byoir and Associates. Emerson became an advisor to the Gau-USA. He discovered among its members a handful of American citizens. The Gau was intended for German immigrants in the U.S., but Emerson hoped to utilize this group of Americans in NSDAP propaganda. He led the Americans out of the Gau and formed a new group in March 1933, Friends of New Germany. Meanwhile, the Gau continued to suffer from factionalism which newspapers regularly reported. Because this ugly publicity undermined the public relations campaign, in 1933 the Foreign Section of the NSDAP ordered the Gau-USA disbanded.23

Spanknoebel stepped into this breach. With a goal of becoming the American Fuehrer, Spanknoebel traveled to Europe. He presented himself to Rudolf Hess, claiming to represent thousands of pro-Nazi cells who hoped to join with Emerson’s Friends of New Germany to restart the National Socialist movement in the United States. This new organization would be comprised of both German nationals and American citizens. All that was needed, according to Spanknoebel, was NSDAP approval. He was bluffing, but Hess did not bother to check facts. Spanknoebel returned to the Yorkville section of New York in 1933,

proudly bearing Hess' authorization to begin yet another organization. The name Friends of New Germany was retained, but Spanknoebel, not Emerson, was the new American Fuehrer.24

National Socialism in the United States preached the same message of racial superiority, anti-Semitism and martial spirit as its German counterpart. The Friends' sub-group, the Ordnungs-Dienst or OD, practiced military drills in German-style uniforms. Exploiting to its advantage the still lingering anti-German sentiment and the hardships created by the Depression, the Friends attracted both German immigrants not yet naturalized and native-born German-Americans. Between 1933 and 1935, membership in the Friends averaged between 5,000 and 6,000. Determined to increase its numbers, Spanknoebel toured German areas of the country giving speeches condemning racial mixing and communism. Meanwhile, in New York, young Nazi followers engaged in a series of violent acts against Jews. Pulling beards on the subway, vandalizing businesses, and painting swastikas in synagogues attracted the wrong kind of attention to the Friends. The press eagerly reported these activities and an organized opposition to the Friends began to take form.25

In 1933, the American Jewish Congress organized a boycott of German goods (this was in part a response to the German boycott of Jewish goods.). Fearing that the bad publicity would damage its relationship with the U.S.,

Germany ordered Spanknebel to cease all activity in the name of the Friends. To make matters worse, by October 1933, the Friends had attracted Dickstein's attention. As Chair of the Immigration and Naturalization Committee, Dickstein asked the Department of Labor to deport Spanknebel for failing to register with the State Department as an agent of a foreign government. Dickstein also began preparing a resolution to authorize an investigation of Nazi propaganda. Spanknebel beat a hasty retreat to the Fatherland. The mantle of American Fuehrer was assumed by Teutonia founder Fritz Gissibl.

As the political pressures on the Friends mounted, at Germany's behest Gissibl began to Americanize the organization. NSDAP leaders feared that Germany's support of a National Socialist organization in the United States would create diplomatic problems. Gissibl's leadership presented a challenge in this

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26 Id.
27 Leaders of the Third Reich debated the extent of the support Germany should provide to German-American groups espousing National Socialism. Hitler did not believe in utilizing so-called fifth columns as a foreign policy tool for the U.S.; his attitude was that while German-American groups were free to organize and meet, they should refrain from engaging in political activities in their host country. Moreover, scholars disagree about the level of Hitler's active involvement in these matters. It is possible, for example, that when Rudolf Hess originally gave Spanknebel the power to found the Friends of New Germany, Hitler may have known nothing about it. So, while on the one hand Germany wanted to unite those with "German blood," on the other hand, it feared the political consequences of doing so. The result was that the Third Reich initially encouraged the Bund's predecessors. But by 1935, Germany withdrew its support because these groups had become a liability. But it was too late. Under Kuhn's leadership, the Bund no longer needed Germany or the NSDAP to survive. And the Bund had become a target of a congressional investigation—which is exactly the attention the NSDAP had hoped to avoid. John A. Garraty, "The New Deal, National Socialism, and the Great Depression," American Historical Review, October, 1973, pp. 932, 933; Bell, In Hitler's Shadow, pp. 9-10; Canedy, America's Nazis, p. 59. In a memo from the State Secretary of the Reich Chancellery to the Foreign Minister, the State Secretary asserted that Hitler did not authorize the political activities of the Friends.
regard since he was not an American citizen. He therefore set an example by
resigning his NSDAP membership and beginning naturalization proceedings.
The Friends were comprised primarily of German citizens rather than German-Amercians and it now attempted to present itself as an organization dedicated
primarily to celebrating German culture and traditions. It continued to encourage
the idea that Germans were united by race and should think of themselves as
Germans, not as German-Americans. The Americanization campaign was less
an attempt to purge its ranks of non-Americans than it was to adjust National
Socialism to American conditions. In one example of Americanization, anti-black
rhetoric, assumed to have greater resonance among Americans, was added to
the anti-Semitism, which did not mean that the Friends' anti-Semitism had
diminished. Working with the German-American Business League, the Friends
attempted to counter Jewish boycotts of German goods. The Friends also
continued to hold public rallies and meetings, featuring brown-shirted troops, and
published pamphlets praising National Socialism.28

Germany's efforts to put an American face on National Socialism did not
impress Dickstein. His resolution seeking an investigation into Nazi propaganda
resulted in the formation of the McCormack-Dickstein Committee in 1934. That
committee's report traced the history of National Socialism in the United States.
While it stressed the loyalty of most German-Americans, the report further
kindled anti-German feeling. Germany had already warned the Friends about its

of New Germany. Donald McKale. *The Swastika Outside Germany* (Ohio: Kent State
activities, but the recent publicity caused by the investigation forced more
decisive action. On October 11, 1935, the German Foreign Office ordered all
German nationals to leave the Friends. Since a high percentage of the group
was comprised of German nationals, this order proved to be devastating. Gissibl
traveled to Germany to fight against the edict to no avail.29

In April 1936, yet another National Socialist group emerged to take the
place of the Friends of New Germany. Founded by former Friends, the new
organization claimed a new name, the German-American Bund, and a new
leader. Its structure and organization, however, were the same as its
predecessor. German-born, naturalized American Fritz Kuhn was the new
Bundesfuehrer. His agenda for the Bund stressed support of National Socialism
along with allegiance to the United States and the its Constitution. Other
important goals of the Bund included preserving German customs and traditions
and the requisite racism and anti-Semitism. During the years when Dickstein
battled for a new investigation into Nazi propaganda, Kuhn reported marked
growth in his organization. It sponsored large rallies, parades, and camps.
Aping the NSDAP in the Fatherland, the Bund created youth and uniformed
divisions (Ordnungs-Dienst or OD). Despite Dickstein's efforts, by the time the
Dies Committee turned its attention to the Bund, the organization was much
stronger than the Friends of New Germany had ever been.30

29 Canedy, America’s Nazis, pp. 59-66; MacDonnell, Insidious Foes, p. 43.
30 Canedy, America’s Nazis, pp. 73-76.
When the Dies Committee heard testimony in August 1938, they picked up the story of American Nazism where the McCormack-Dickstein Committee had left off. But if Dies was convinced of the necessity of spotlighting Nazi propaganda, he was determined to avoid what he characterized as the "semi-riots and demonstrations" that "marred" the earlier investigation. Before hearing testimony, Dies cautioned the day's witnesses, as he would repeatedly throughout his tenure with the Committee, that he was interested in facts, not opinions, and in specific proofs rather than generalities. "Opinions, conclusions, and generalities have no probative force in any court of justice," the Chair intoned, "and they cannot be made the basis of any findings on the part of this committee." Acknowledging a danger inherent in this type of investigation, Dies stated that the Committee was not out to smear reputations. All statements and charges would, therefore, require factual support.31

The first three witnesses to testify were John and James Metcalfe, brothers who had infiltrated the German-American Bund while working as newspaper reporters, and Peter Gissibl, a Teutonia founder and later a local Bund leader. The Committee covered essentially the same ground with all three witnesses. Each provided excellent first-hand accounts of the Bund's activities. John Metcalfe, who became a paid investigator for the Committee, would subsequently testify many times.

The Metcalfe brothers were born in Germany, but moved the United States with their parents as young boys. As a reporter for the Chicago Daily

31 Dies, Martin Dies' Story, p. 59; Hearings, Testimony of John Metcalfe, p. 2.
Times, John Metcalfe infiltrated the Bund for six months in 1937 under the assumed name Helmut Oberwinder. To meet Bund members he frequented German saloons in the Yorkville section of Manhattan. After gaining their trust and presenting his German birth certificate as proof of his pure German blood, Metcalfe was invited to join the organization.32

James Metcalfe joined the Chicago area Bund the same year. Like his brother, James was required to produce evidence of his German birth. As the brothers explained in their testimony, John joined the German-American Bund while James became a member of the German Bund. The difference depended upon their citizenship. The German-American Bund was for American citizens of German background and the German Bund was strictly for German citizens living in the United States. James, an American citizen, lied in order to join the all-German section.33

As James Oberwinder, Metcalfe maintained a daily account of his activities with the Bund from purchasing his uniform to attending week-end retreats at the Hindenburg Camp in Wisconsin. His reports are replete with references of his success at insinuating himself into Bundist social circles: "[W]e returned to the bar, where I joined...Carl Fischer in a few beers and much jovial conversation, he promising to teach me German and for that purpose inviting me to come to his home some night." After reading this diary, one can only imagine the sense of betrayal later felt by the Bundists he befriended solely for the purpose of gleaning information. "I sat at a table with Mr. and Mrs. Carl Fischer

32 Hearings, Testimony of John Metcalfe, pp. 3-5. 12.
and their 18-year old daughter, Carla...with whom I danced several times," he wrote. "During these dances I would occasionally look over at Heberling, who sat at a table nearby, and he would acknowledge the look with a friendly smile." Distasteful this undercover work may have been, it gave the Metcalfes' a first-hand glimpse of the Bund.34

According to his testimony, Gissibl emigrated to the United States from Germany when he was twenty-three. He joined the Teutonia Society at the time of its founding by his brother, Fritz, in 1924.35 Gissibl held a series of leadership positions as Teutonia transformed into the Friends of New Germany and then into the German-American Bund. Peter became an American citizen in 1929, but Fritz left the country because he had difficulty finding employment and because he was denied citizenship in 1936. Although he remained active in each successive organization, Gissibl eventually left the Bund after disagreements with Fritz Kuhn.36

33 Hearing, Testimony of James Metcalfe, pp. 75-76.
35 Although historians generally cite Peter Gissibl as a co-founder of the Teutonia Society along with his brother Fritz, in his testimony, Peter did not claim that honor for himself.
36 The positions held by Peter Gissibl were an officer in the Teutonia Publishing Company, President of the German-American Business League, President of the Teutonia Publishing Company, and local leader of the Chicago German-American Bund. Peter Gissibl's account of the reasons his brother left the country are at odds with the explanation given by some scholars. Peter claimed that part of the reason that Fritz went home was difficulty in finding a job because of his vocal and public role in the Bund. It was Fritz Gissibl who returned from Germany in 1935 to relate the verbal order that all German citizens were to leave the German-American Bund and begin a German Bund. After he was denied citizenship, Gissibl could no longer remain in the German-American Bund, so had no choice but to leave. Sander Diamond claims, however, that Fritz Gissibl began the proceedings so that Germany could claim an American headed the Bund and that Gissibl never had any intention of completing the naturalization
Contradicting the Bund's claim that it was merely a social organization celebrating German culture, the Metcalfes quickly established the group's National Socialist aims. In discussing the Bund's meetings and activities such as week-end gatherings at rural camps, the brothers asserted that celebrating culture was mere subterfuge. John Metcalfe stated that Hermann Schwartzman, the fuerher of the Astoria, New York post, explicitly told him that the organization was "opposed to a democratic form of government and believed in national socialism for the United States." James Metcalfe also reported conversations in which Bundists proclaimed the superiority of the Nazi system and stated that bringing National Socialism to the United States was their goal. Both John Metcalfe and Peter Gissibl provided testimony regarding the anti-Semitic and anti-Catholic attitudes of the Bund. Such claims were easily proven by resorting to the documentary evidence they collected from the files of the California Bund and the headquarters of the German-American Bund. The Metcalfe brothers did, however, deny that they had ever been required to take an oath of allegiance to Germany. Nevertheless, as John Metcalfe pointed out, in Bund ceremonies members gripped the corner of an American flag while draping over it the German flag. Metcalfe claimed that Schwartzman had told him that the ceremony, in which the members gave their "word of honor," would "have identically the same significance as if it were an oath of allegiance."\(^{37}\)

\(^{37}\)Hearings, Testimony of John Metcalfe, pp. 3-5, 7, 13; Testimony of Peter Gissibl, p. 50.
To the extent that the witnesses relied on documentary evidence in this portion of the hearings, their testimony could not be faulted. But once Metcalfe began to relate the things that Schwartzman had said to him, his testimony became hearsay and, therefore, would have been inadmissible in traditional legal proceedings.

As previously stated, hearsay, as explained by New York University law professor Leslie Tompkins, "is a report communicated to the witness by a third party, made outside of the judicial proceedings." Hearsay occurs when a witness repeats a statement made by another individual (the declarant) outside the courtroom, and the statement is offered to prove that what the declarant said was true. When Metcalfe sought to prove to the Committee that the Bund was opposed to democracy and believed in National Socialism by offering Schwartzman's out-of-court statement to that effect, he was offering hearsay testimony.38

One reason that "out-of-court" statements are generally inadmissible in courtrooms is that the actual declarant is unavailable for cross-examination. Through cross-examination an opposing attorney attempts to expose mistakes and weaknesses in a witness' statements. In the Dies Committee hearings, the problems created by hearsay testimony were compounded by the fact that the Committee was assuming the roles of both prosecuting and defense attorneys,

judge, and jury. Since John Metcalfe was a friendly witness, he was not subjected to any cross-examination or any skepticism about the accuracy of his testimony. To avoid this problem, the Committee should have subpoenaed Schwartzman and questioned him directly. 39

This being said, if the Committee is to be held to the hearsay rule, then the rule's numerous exceptions should also be considered. An argument could be made that Metcalfe's testimony regarding Schwartzman's statements might be allowed as a hearsay exception known as a declaration against interest. For a statement to fall within this exception, it must be adverse to the declarant's interest and the declarant must be unavailable at trial. The rationale behind this exception is that if a declarant makes a statement against his or her own interest, it must be true. For example, if a declarant stated to a witness that he is indebted to another person, and the declarant is unavailable to appear at trial, then the witness may repeat the statement at trial without raising hearsay objections. The declaration against interest, however, is usually limited to statements against pecuniary, proprietary, or penal interests. Statements against "social interests"—that it would make the declarant the "object of hatred, ridicule, or social disapproval"—is allowed in only a handful of jurisdictions. Because of these limitations, it would be difficult to argue that the statements at issue—that Schwartzman told Metcalfe that the Bund opposed democratic government,
believed in National Socialism, and that the flag ceremony was the equivalent of
an oath—would fall under the exception to the hearsay rule. Since these
activities were not illegal, the only possibility would be to argue that the statement
was a declaration against social interest, given the opprobrium with which most
Americans viewed National Socialism.40

A final problem stood in the way of admitting Metcalfe’s version of
Schwartzman’s statements as a hearsay exception—the declarant must be
unavailable for trial or hearing. Schwartzman was available, the Committee
needed only to issue a subpoena for him to appear. The fact that it accepted
Metcalfe’s statements rather than attempting to hear from the original source,
Schwartzman, was precisely the type of failing which Committee critics
condemned. Ultimately, however, since the Committee failed to articulate with
any specificity the procedural and evidentiary rules under which it operated, it is
difficult to determine whether these statements were hearsay. The Committee
offered vague pronouncements that it would not consider hearsay without
defining the term or any exceptions that it would consider.41

Continuing the testimony in these first hearings on the German-American
Bund, both Metcalfes testified regarding their experience as members of the
uniformed "storm troopers." After a period of initiation in the Bund of only three
weeks, John Metcalfe was asked to join its storm trooper section. The storm

1361-sec. 1363, pp. 2-8; Lilly, An Introduction to the Laws of Evidence, pp. 210-211;
Strong, McCormick on Evidence, pp. 373-374.
40 Rule 509, American Law Institute, Model Code of Evidence; Lilly, An Introduction to
41 id.
troopers met regularly to drill in accordance with German military regulations. The existence of a uniformed OD was not news. The rallies and parades which attracted so much press coverage often featured photos of men, and sometimes children, in uniforms loosely based on the Nazi model. But while the Bund claimed the purpose of the OD was to serve as ushers and to provide security at meetings, John Metcalfe pointed to a much darker purpose. The Bund sought to establish a vast spy network, to create a "powerful sabotage machine," and to form a tight nucleus of Germans in the U.S. from which Hitler and Germany could draw in the event of war. The true function of the OD, he said, was to serve "as a strong section of the German-American Bund, sharply patterned after the Hitler troops in Germany." 42

Not all male members of the German-American Bund were required to join the OD, but this was a requirement of the German Bund, so James, too, became a storm trooper. Metcalfe described the drilling that occurred on a weekly basis. They learned the proper Nazi salute and practiced marching. "Do they goose-step?" asked the Chair. "They goose-step," Metcalfe answered. James noted that the storm troopers were indeed expected to serve as ushers at meetings and to march in parades at events such as German Day celebrations. The all-German group had standing orders to cooperate with the German-American Bund as much as possible, to spread German propaganda, and to carry out any orders from Germany with no questions asked. Nevertheless, the only explanation James had received regarding the purpose of the drills, other than

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ushering or marching in parades, was that in the event of war, the Bundists, who were expected to return to Germany and enlist, would be already prepared in certain aspects of military life. James was unaware of any plans to form a "minority bloc" in the U.S. in the event of war, nor was he asked about the creation of a spy and sabotage network.43

John Metcalfe's testimony regarding the creation of an espionage and sabotage network was the type of sensational disclosure that generated front-page headlines. At the start of the hearings Dies had warned witnesses against offering generalities and to attest to nothing for which there was no factual basis. Metcalfe, however, could offer no documentary proof that the Bund intended to use the OD to create an espionage network. Of course, the Bund's predecessor had been the target of an earlier congressional investigation and, therefore, would not likely commit such goals to paper. In fact, after the House authorized the Dies investigation, Kuhn ordered each division to destroy all correspondence between the Bund and Germany because, "no matter how harmless it may be, the letters could be interpreted in a different light." It was acceptable for Metcalfe to testify, therefore, about the Bund's organizational goals based upon "[his] actual knowledge, as a result of [his] membership in the Bund, [his] conferences with the various members, the literature [he had] read, and so forth," as Dies had stated. The listener (whether the public or the Committee), like a juror in a court proceeding, was then left to evaluate the credibility of the witness. But Dies could not resist breaking his own stricture against generalities by asking Metcalfe

43Hearings, Testimony of James Metcalfe, pp. 75, 78, 83.
to explain not only the purposes of the German-American Bund, but also those of "like associations in the United States."\textsuperscript{44}

Not only did the Committee break its own rules at times, but in the event of conflicting testimony, it sometimes accepted the most damning version of events without troubling to explain its decision. For example, in attempting to prove a relationship existed between the Bund and the German government, Congressman Starnes asked John Metcalfe: "Do you know definitely that Kuhn is Hitler's No. 1 man in this country?" Metcalfe could not verify that fact with certainty, not because, as he said, there was no connection between the group and Germany, but because "there may be someone else behind Kuhn." Metcalfe did confirm that Kuhn was the leader of the Bund, but Starnes continued to press the issue: "Do you know how close his relationship is with Hitler?" "I have a picture of him with Hitler," ventured Metcalfe. This photograph, which Metcalfe stated was "distributed very freely among the members of the Bund," was admitted into evidence. Metcalfe also testified that Kuhn had boasted of a "secret relationship" with Hitler.\textsuperscript{45}

This exchange illustrated a common problem with this investigation. Here, Metcalfe was accepting at face value Kuhn's word regarding his relationship with Hitler. Kuhn had in fact traveled to Germany and met with the Fuehrer. But Kuhn's reception was not all that he had hoped it would be. He had wanted a chance to speak personally with Hitler but received what amounted to little more

\textsuperscript{44}Hearings, Testimony of John Metcalfe, p. 12; quote taken from Affidavit of Otto Willumeit, p. 42; Testimony of Peter Gissibl, p. 25.
\textsuperscript{45}Hearings, Testimony of John Metcalfe, pp. 18, 24, Exhibit No. 31.
than what became known as a photo-op. Germany's fears that diplomatic relations with the United States would be harmed by the Bund's provocative actions had not dissipated. As Germany had done with the Gau-USA and the Friends of New Germany, it tried to distance itself from the Bund. Hitler hoped to avoid a repetition of the anti-German hysteria that accompanied World War I. The last thing Germany wanted was to give the appearance that it controlled a potential spy network on American soil, thereby prompting the U.S. to take a hard line against it. When Kuhn returned from Germany he freely distributed the photograph of himself with Hitler, but there was no relationship. Kuhn, in essence, lied to maintain his power base within the organization. One might excuse the Committee for accepting Kuhn's boast of his "secret relationship" with Hitler but for the fact that it did have contrary testimony before it. At three different points in his testimony, Peter Gissibl asserted that, in fact, Hitler wanted nothing to do with Kuhn. Gissibl had left the Bund after falling out with Kuhn. Therefore, it might be argued that his testimony was tainted. But more clues as to Hitler's attitude were provided by James Metcalfe who testified that the real reason Fritz Gissibl left the United States was that he had been called back by the German government because he was "always ready for a fight and he liked to make a big show." Both of these pieces of information could have been dismissed as Germany's attempts to conceal its true relationship to the Bund, but the Committee failed to even mention these inconsistencies in its annual report.46

Since the Committee's mandate was to uncover the extent and character of un-American propaganda and propaganda from domestic or foreign sources that attacked the American form of government, it sought not only to show the Bund's activities in spreading pro-German propaganda but also to establish a relationship between the German government and the Bund. The testimony regarding Kuhn's relationship with Hitler aimed at proving such a relationship. In addition, the Committee attempted to illustrate, as it stated in its 1939 Report, that "[d]enials to the contrary notwithstanding...there is a relationship between the German Government and the German-American Bund through the activities of Nazi consuls in this country." John Metcalfe testified that Kuhn claimed the power to remove German consuls at will. Kuhn had Metcalfe undertake a speaking tour of the Middle West and far West divisions of the Bund. Metcalfe returned to the East to report that some divisions complained that they were not receiving full cooperation from the German Consular Service. They reported difficulties obtaining uniforms and money to finance radio programs. It was in response to this complaint that Kuhn claimed to have a "secret relationship" with

71, 83; see generally, Report of the Special Committee to Investigate Un-American Activities and Propaganda, House Report No. 2, January 3, 1939, pp. 105. On Kuhn's trip to Germany and relationship with Hitler, see Diamond, The Nazi Movement in the United States, pp. 251-269. German diplomats were very concerned about the steadily deteriorating American attitudes toward the NSDAP. See generally, James V. Compton, The Swastika and the Eagle: Hitler, the United States, and the Origins of World War II (Boston: Houghton Mifflin Company, 1967), pp. 55-63. The statement that Germany did not want a relationship with the Bund should not be read to imply that the Bund did not want a relationship with Germany. This was, in fact, another area of disagreement between Gissibl and Kuhn. Dies asked Gissibl whether he and Kuhn had a disagreement "with respect to a close relationship with Germany." Gissibl answered that he believed the relationship with Germany should be "in a cultural way." Dies replied, "You did not think there should be a political relationship...." Gissibl answered affirmatively. This testimony only goes to Kuhn's attitude, not the position of the German government. Hearings, Testimony of Peter Gissibl, p. 51.
Germany. Any problems that the various divisions experienced, Kuhn insisted, should immediately be reported to him because he had the power to order the removal of consular officials. Kuhn claimed, for example, to have been responsible for the removal of German Ambassador Hans Luther. To support the claim that consuls were go-betweens for Germany and the Bund, Metcalfe offered photographs of Bund meetings in which German consuls and vice-consuls addressed the audience. Although Metcalfe claimed to have attended such a meeting, he declined to offer, and the Committee declined to ask, the topic of the consul's address or any other details. Peter Gissibl, although denying that as local leader of the Chicago Bund he had ever consulted with the German officials, admitted that "when there was a big celebration" the German consul did attend and sometimes spoke to the crowd.47

Kuhn's claim that he had Hans Luther removed from his position was simply a lie, and illustrated the danger of accepting hearsay testimony. When Metcalfe testified that Kuhn had the power to remove consular officials, and presented Kuhn's out-of-court statement as proof of the assertion, he was offering hearsay. Unless it subpoenaed Kuhn, the Committee would be unable to hear him make the statement himself, or question him about it. This claim, along with his assertion of a relationship with Hitler, were sources of consternation to German officials. Hans Dieckhoff, the German Ambassador who replaced

47 Hearings. Testimony of John Metcalfe, pp. 10-11, 27, 38; Testimony of Peter Gissibl, pp. 56-57. The Committee focused here on Kuhn's claim that he could remove consular officials and on his "special relationship" with Hitler. Both claims were repeated in the Committee's 1939 Report. Oddly, the Committee did not ask about the implication here that the consul was providing uniforms and money to finance radio programs. Report of
Luther, believed that "Kuhn's stupid statements of friendship with Hitler" served only to undermine relations with the United States. Kuhn had by 1938 completely destroyed his credibility among German officials. A charge d'affaires in the German Embassy in Washington said, "We [German officials] considered Herr Kuhn and his followers as a small and rather ridiculous [group]." The information regarding the presence of consuls at Bund events, moreover, is susceptible to an interpretation that does not imply the German government plotted with the organization. The German government, regardless of its feelings toward Kuhn, did regard the Bund as a source through which it might disseminate propaganda. To this end, it would make sense for German consuls to attend the odd Bund celebration. Or it may have simply been the German consul reaching out to the German-American community by attending public celebrations. The point is that the Committee never received or offered evidence to prove the kind of relationship it was alleging. Through correspondence, the Committee did attempt to establish that the consulate was used as a "clearing house or contact" between an organization in Germany and the Bund. But the subject of the correspondence was a song festival featuring children's choirs "upholding Germandom in America." Perhaps this festival was an ingenious way to spread pro-German propaganda, or perhaps it was simply the German-American Bund celebrating German culture.48

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Metcalf addressed some of these issues when responding to criticism leveled by Hans Thomsen, counselor at the German Embassy under Ambassador Luther. Thomsen released a statement noting that Metcalfe had joined the Bund under an assumed name and was, therefore, "not a trustworthy person." "If Mr. Dies wants to get at the real truth," said Thomsen, "why doesn't he cite Mr. Kuhn as a witness." Thomsen charged that the Committee did not call Kuhn because Dies "doesn't think much of Mr. Metcalfe's testimony himself." Metcalfe fired back that he did join the Bund under an assumed name, but "How else could an American...get into an organization composed of and run by people who...loudly protest their loyalty to this country while their very body and souls belong to a dictator across the sea." Metcalfe observed that Thomsen did not deny the allegation that German consuls disseminated propaganda. Although acknowledging that "for 100 years consuls have visited groups and attended celebrations," Metcalfe asserted that they also used their diplomatic immunity "to foster hatreds, to buy propaganda with cash they hoped could not be traced and urged a loyalty and allegiance to Germany after the men and women had sworn they wanted to become American citizens." 

As part of its effort to expose ties between Germany and the Bund, the Committee emphasized the Bund's attempts to propagandize German-American youth. Both Metcalfes offered ample testimony about the training, drilling, and "Hitlerizing" of young people. James Metcalfe testified that at week-end and

49 Western Union Press Message (no date); Statement made by John C. Metcalfe before the House Committee to Investigate un-American Activities (no date), NARA, RG 233, Series 8, Box 21, File: Metcalfe, John C. Folder #4.
summer camps, German children wore uniforms modeled after those of the Hitler youth movement, were instructed to speak in German and avoid English-speaking children and adults. The symbol of the youth organization was a half-swastika and its members wore belt buckles inscribed with the words "Blood and Honor." Many of the boys also carried hunting knives emblazoned with swastikas. "What was the purpose of those hunting knives?" asked an alarmed Parnell Thomas. "What were they going to use them for?" "I suppose to chop down trees," Metcalfe replied. Attempting to place the possession of hunting knives in perspective, Dies interjected, "Like the Boy Scouts?" "Like the Boy Scouts," the witness answered. Dies reiterated, "When you were there, there never was any arming, or effort to arm, or anything of that sort?" "No, sir," repeated Metcalfe, "there was not." The existence of these camps had been a popular topic in newspaper accounts of Bund activities and Metcalfe supported his testimony with photographs showing children marching and drilling in uniform.50

John Metcalfe then asserted that the children received instruction in pro-Nazi propaganda at the camps that was later reinforced at Bund-operated German language schools. The Bund had established its own school system, Metcalfe explained, which utilized textbooks and motion pictures imported from Germany. The imported material glorified the Fatherland, National Socialism, Hitler and the Hitler youth movement. Metcalfe claimed to have attended some

of the classes himself. But Gissibl denied this assertion, arguing that Metcalfe was conflating the youth camps with the language schools. The account of the camps was accurate, said Gissibl, but the schools were solely for the purpose of teaching language skills and German history. Nothing in the schools touched on German government or the philosophy of National Socialism. Metcalfe could offer nothing in support of his declaration other than his word and a handful of letters proving that the language schools had ordered textbooks from Germany's Foreign Institute. Even Metcalfe's testimony regarding his presence at such meetings could be maddeningly vague:

Chairman: You have attended the sessions and you have heard them talk in a way that convinced you they were teaching propaganda?
Mr. Metcalfe: Yes, sir.
Chairman: How did they talk?
Mr. Metcalfe: They spoke along those lines and showed motion pictures that glorified the German Army and Navy; films were shown that were sent from Germany, that were brought in from Germany.

Metcalfe had copies of neither the textbooks nor the films. He gave no specific examples of propaganda being taught the students, offering only the indefinite "they spoke along those lines." Nor did he specify how the films glorified Germany. Again, this is not to deny that the language schools were created for propaganda purposes, only that the Committee failed to elicit any strong relevant evidence.51

Although the Dies Committee's first hearings in 1938 addressed the subject of the German-American Bund, following this initial inquiry, its focus was almost entirely on the Communist Party. But Dies did hire John Metcalfe as a full-time Committee investigator. He would periodically appear at the public

51 *Id.*
hearings to report on Bund activities, but as he testified in September 1938, even
had the Committee possessed a large staff of investigators and a period of many
months within which to work, it could have only scratched the surface of the
problem. "Therefore it is apparent that in this and forthcoming hearings on Nazi
and fascist activities," Metcalfe concluded, "we can only give the highlights here
and there of this vast problem." True to Metcalfe's assessment, other than his
occasional appearances, during the remainder of 1938 the Committee touched
on the topic only rarely and superficially.52

The slight attention paid by the Dies Committee to Nazi and fascist
organizations during the 1938 hearings was reflected in its 1939 Report to the
House of Representatives. Only twenty-seven pages of the 124 page report
addressed right-wing activities. This failing became one of the major points of
contention among congressmen opposed to the Committee's work. As usual,
Dickstein led the charge. Observing that the Committee failed to subpoena a
single Nazi in its 1938 hearings, Dickstein complained, "We have today 32 Nazi
camps. We have today chemical departments secretly financed by foreign
governments. But the Dies Committee did not even take the trouble to find out or
inquire about these things. Its investigation was nothing but an attack on
Democrats."53

52 Hearings. Testimony of John C. Metcalfe. pp. 1107-1108. The remainder of the
testimony relating to Nazi and fascist activities in 1938 was comprised of the following:
on Italian Blackshirts, see Hearings. Testimony of Girolamo Valenti. pp. 1181, et seq.;
on the links between native fascists and the German-American Bund, see Hearings,
Testimony of Arnold Gingrich. pp. 1221, et seq.; on the German-American Bund in
Milwaukee, see Hearings, Testimony of Bernhard Hofman. pp. 2118, et seq.; on the
Protective League of Milwaukee, see Hearings, Testimony of Le Roy Schulz. pp. 2129,
et seq.
53 Congressional Record. 76th Congress, January 24, 1939, p. 734.
In early 1939, during the House debates on extending the life of the Committee, other members of Congress agreed with Dickstein's assessment. While Flint, Michigan Representative William Blackney praised the Dies Committee for exposing the successful efforts of outside agitators in whipping up labor violence during the sit-down strikes, another Michigan Representative, Frank Hook, wondered why the Committee showed no interest in the actions of the Black Legion, a Michigan organization advocating the overthrow of democracy through terrorism. Answering his own question, Hook noted, "I fully realize that Attorney General Frank Murphy does not belong to the Black Legion. I presume that is why the Dies Committee did not investigate that un-American activity in my state."^54

Among those who accused the Committee of being more interested in partisan politics than in exposing un-American activities, Illinois' Kent Keller and Adolph Sabath, Michigan's Carl Mapes, and John Coffee of Washington, all objected that the Committee had ignored Nazism, fascism, the German-American Bund, Pelley's Silver Shirts, the Ku Klux Klan, and Gerald B. Winrod. "The Dies Committee," charged Missouri Representative Joseph Shannon, "seeks to camouflage its racial prejudices and anti-labor feelings by going 'hog wild' on the subject of communism." Vito Marcantonio condemned the Committee for dismissing its chief investigator, Edward Sullivan, because of an alleged lack funds with which to pay him. Marcantonio suspected that Sullivan's ties to anti-Semitic organizations was the real reason for his dismissal. Nevertheless, the Committee failed to condemn Sullivan or distance itself from him. Given the Committee's emphasis on Communist connections to the New Deal and the relatively little attention Dies paid to right-wing un-American

^54 Congressional Record, 76th Congress, February 3, 1939, pp. 1106, 1114.
activities, some House Democrats agreed with Colorado's John Martin, that, "with 160 Republicans to smear Roosevelt and the New Deal...I do not see the necessity of wasting taxpayer's money to furnish a Democratic committee to supply the dirt."\(^55\)

Other than complaints that the Committee ignored Nazism and fascism, most of the House debate on the extension of the Committee's mandate involved procedural issues. Among the improvements House members suggested was the necessity of utilizing executive sessions to determine the validity of witnesses' contentions before holding public hearings. This would prevent witnesses from making unsubstantiated claims to be picked up by the press and repeated to the public as if they were proven facts. Congressmen also spoke out against the Committee's practice of relying on "expert" witnesses from patriotic organizations, rather than hiring enough investigators to conduct their own factual inquiry free from rumor and unproven allegations.\(^56\)

Dies had a valid response to this criticism. With only a $25,000 appropriation, the Committee had not been able to afford investigators, and so was forced to rely on voluntary witnesses. Despite the congressional opposition, the strong public support for the work of the Dies Committee as expressed in a 1938 Gallup poll, escalating tensions in Europe which increased fears of fascism and communism, and Dies' complaints about insufficient funds, meant that House approval of the continuation of the investigation with an increased appropriation was never really in doubt.\(^57\)

\(^{55}\)Congressional Record, 76th Congress, February 3, 1939, pp. 1102-1106, 1108-1110, 1116-1117, 1119-1121, 1114, 1122; Appendix to the Congressional Record, 76th Congress, February 3, 1939, p. 485.


\(^{57}\) Id.
Granted an extension of its investigation and $100,000 in February 1939, the Dies Committee prepared for a new series of hearings in May. Sufficiently chastised by the House, the Committee admitted past excesses and promised improved procedures that would end partisanship. Dies made public assurances that he would hire attorneys and professional investigators, and that witnesses would be heard in executive session before being allowed to make public statements. Moreover, a Gallup Poll in March 1939 showed that while only 26% of the population supported an inquiry of Communist activities in the United States, 32% wanted a study of Nazism, and 42% wanted the Committee to investigate foreign war propaganda generally. Recognizing the mood in the country, Dies noted, "Back of their view is the belief that 'it was war propaganda that got us into the last war,' and the average American's apprehension is heightened by the warlike course of events in Europe in 1938...." Pointing toward a new direction, Dies acknowledged that he had been primarily concerned with communism during the first year of the probe, but the Committee's course was now set for fascism and Nazism.\textsuperscript{58}

Of the roughly 260 organizations on the extreme right that the Dies Committee investigated, most had in common the single feature of anti-Semitism. "The inspiration to ape Hitler, if such an ambition may be called an inspiration," Dies observed in his 1940 book, \textit{The Trojan Horse in America}, "has undoubtedly moved many maladjusted people during the last decade." In 1933, the advent of the New Deal, coupled with Hitler's rise to power in Germany, sparked an anti-Semitic outbreak in the United States that was more intense even than that led by Henry Ford and the Ku Klux Klan in the previous decade. To the right-wing,

which equated Jews with communism, Roosevelt’s “socialistic” policies and willingness to appoint Jews to important government posts provided all the evidence they needed to brand his administration the “Jew Deal.” The reams of material collected in the Dies Committee files attest to the campaign to tie Jews to the New Deal. “Jews! Jews! Jews Everywhere!” read one typical handbill, “The Roosevelt Administration is Loaded with Jews.” 59

The extreme right equated the New Deal and communism with an international Jewish conspiracy, described in the Protocols of the Elders of Zion, to corner the world’s gold supply and destroy the Christian religion. Although a fabrication of the Czarist secret police, the Protocols became a matter of faith among American right-wing groups. As Pelley stated in Liberation, the newspaper of which he was both editor and publisher, he was not interested in the “hackneyed argument as to whether or not [the Protocols] are authentic or forgeries.” A comparison of the Protocols “line by line with what is happening right now under your nose” was all the evidence he needed that “our beloved Christian America [is being] officially directed by great Jews behind the government.” The men in question included Treasury Secretary Henry Morganthau, Felix Frankfurter, Bernard Baruch, Herbert Lehman, and Louis Brandeis. Pelley claimed that it was little wonder that Roosevelt should be so friendly with this “peculiar race” given that he was descended from a Nicholas Rosenfelt, a Jew born in Amsterdam in 1658. As for evidence of the effectiveness of the implementation of the Protocols, one need only observe the number of people on relief, working for the WPA, or receiving agricultural

subsidies from the AAA. In other words, explained Pelley, this was a matter of "the dependency of us Gentiles upon a government that will be a little more than a financial oligarchy in the hands of Hebraic money magnates." Week after week, Pelley warned his readers that the Roosevelt Administration's "Jew Deal" was "serving the ends of eventually installing a soviet regime in these United States."^60

Pelley, a spiritualist and admirer of Hitler, was one of the better known proponents of anti-Semitic fascism to surface in the United States during the Depression. Pelley spent his adolescence and early adulthood in New England, California, and New York, serving as editor and/or publisher of over a half dozen publications. He wrote enough fiction to fill thirty book-length volumes, even selling some of his work to a Hollywood movie studio. In addition to his literary efforts, he entered a variety of business ventures from manufacturing toilet tissue to a restaurant chain to real estate ventures in California.^61

According to Pelley, he founded the Silver Legion in February 1933 as a patriotic organization dedicated to combating communism within the American government. Although his group would become known for its anti-Semitism, Pelley asserted that at the time he founded the Silver Legion he possessed no

^60 Scholnick, The New Deal and Anti-Semitism in America, pp. 54-55; Dinnerstein. Anti-Semitism in America, pp. 80-81; MacDonnell, Insidious Foes, pp. 45-46; William Dudley Pelley, "Compare the Protocols with Roosevelt's Policies," Liberation, January 20, 1934, p. 3; "Roosevelt's Ancestry Now an Open Book," Liberation, January 28, 1938, p. 3; "Pelley's Affidavit on Nazism," Liberation, November 7, 1937, p. 2. Although I attempt to avoid attributing all of the articles in Liberation to Pelley, since bylines rarely accompany the articles, and since Pelley was the editor and publisher of the paper, I assume that each article reflected Pelley's opinion.

“animus against any Jew.” The Silver Legion did not assume an anti-Jewish character, Pelley insisted, until after his own “patriotic and uninfluenced researches and experiences convinced me that Communism and Judaism were synonymous....” Even accepting Pelley’s claim that his study of communism came first, once he discovered communism’s alleged Jewish antecedents he centered his attention almost exclusively on the Jewish question. At once, the problem ceased to be communism, and began to be Jews. His organization was inspired by and modeled after Hitler’s NSDAP. Intentionally choosing the name Silver Shirts to evoke images of the Nazi SS, Pelley’s followers wore uniforms of blue pants, silver shirts and hats, were assigned ranks, and organized in a military fashion. The organization took off quickly, boasting a membership of 15,000 in twelve states by 1934.62

Pelley was just one of the unlikely characters that popped up as the head of a native fascist organization preaching the Protocols and the dangers of the “Jew Deal” in the 30s. Gerald Winrod of Kansas, founder of the Defenders of the Christian Faith, was a fundamentalist Baptist preacher who, in 1938, unsuccessfully ran in the Republican senatorial primary.63 Henry Allen, Leslie Fry, Helen Jewett, James True, Robert Edmondson, and Gerald L.K. Smith all contributed to the cacophony of anti-Semitic propaganda linking communism, the New Deal and Jews.64

The crisis in Europe increased public fear of right-wing plots and changed the atmosphere surrounding Committee hearings. As the New York Times

62 Dies, The Trojan Horse in America, pp. 324-325; Pelley, “Pelley’s Affidavit on Nazism,” Liberation, November 7, 1937, p. 2; Dinnerstein, Anti-Semitism in America, pp. 111-112.
63 Ribuffo, The Old Christian Right, pp. 80-127; Scholnick, The New Deal and Anti-Semitism in America, pp. 83-84, 117-120
64 Dinnerstein, Anti-Semitism in America, pp. 112-113
noted, when the Committee began its inquiry, "Peace...reigned over much of the Western world." But when it resumed hearings in 1939, the European situation was far more precarious, a factor which tended to increase public interest in the investigation. Whereas the previous year a dozen people in attendance at a hearing would be striking, in 1939 the hearings were consistently crowded with the press and public. Moreover, where previously only three or four Committee members attended each hearing, by 1939 it was common for all seven members to appear for all hearings. One indication of the Committee's growing importance, observed the Times, was "the space given to the investigation in the press in the midst of an acute world situation."65

Illustrating the Committee's new commitment to improved procedures and providing a good example of how it conducted a field investigation, the 1939 hearings began with an inquiry into an alleged Jewish-Communist plot to seize control of the United States government. As was often the case, the Committee discovered the scheme as the result of a tip. James Cooke, Department Commander of the American Legion, Tennessee, had received reports from a James Campbell, a Kentucky-based army reserve captain, which, among other claims, alleged the existence of a Jewish-Communist conspiracy to overthrow the government. Cooke had received two or three of these unsolicited reports without paying much attention to them, until one day he noticed an item in the newspaper that had been referred to in one Campbell's earlier missives. At this point Cooke began reading Campbell's accounts more closely and found more instances in which they predicted the news. Once Cooke began to believe that Campbell was privy to inside information, he took seriously Campbell's claims of

a Jewish-Communist conspiracy to overthrow the government. Intrigued, the Legionnaire arranged to meet Campbell. By chance, shortly before the meeting with Campbell, Cooke met a Dies Committee investigator in Chattanooga, whom he told of the reports. Cooke agreed to allow the investigator to accompany him and two other Legionnaires to the appointment. Campbell was not told of the investigator's true identity, he was simply passed off as another Legionnaire. Following the meeting, Cooke relinquished the reports he had received to the Dies investigator. Now armed with the names of the main characters in this plot, the Committee subpoenaed witnesses and records. As it had promised, the Committee first heard testimony of the principal figures in executive session. It then did something it did not have the capability of doing the previous year: it sent investigators to weigh the claims made in the closed hearings."

To this point the Committee had shown notable restraint, but ultimately Dies could not resist trumpeting his find to the press. To whet the media appetite, Dies presented two letters of retired U.S. Army Major General George Van Horn Moseley, claiming the existence of a plot to overthrow the government. Because of Moseley's reputation—he had served as one of the chiefs on

66 *Hearings: Testimony of James F. Cooke,* pp. 3212-3215. We know how the Committee discovered this plot because when it began public hearings it actually called the tipster to testify. Cooke gave the Committee his copies of Campbell's reports. As it would do with all of Campbell's reports that came into its possession, the Committee admitted them as "confidential exhibit[s]." This procedure was an example of committee men learning from past mistakes. Believing the reports to be false, the Committee was not going to allow the press to repeat the names of the prominent men who were accused of being plotters. Cooke's testimony focused on the inside information in Campbell's reports that was later corroborated in press accounts. For example, Campbell claimed that a large sum of money, possibly $50,000, had been sent to Leon Trotsky in Mexico City to be used as Trotsky saw fit. Afterwards, Cooke noticed that a newspaper reported that Trotsky had spent $50,000 in the recent Chilean elections. Another example of an event mentioned in Campbell's reports that was subsequently aired in the press was that of a French mission to the U.S. to purchase airplanes. After Cooke read this report, he later noticed in newspapers that the victims of a plane crash in Los Angeles had been part of a French delegation seeking to purchase airplanes. *Id.*
Pershing’s General Staff during the war, and had commanded the Fifth and Fourth Corps, and the Third Army before retiring—the correspondence was a sensation. The New York Times quoted passages from each letter. The first, addressed to a member of the New York National Guard, claimed that the problem in America was “this problem of the Jew and how to get rid of this influence definitely—locally, nationally, and internationally.” The second, sent to Campbell, instructed, “If the Jews bump me off, be sure to see that they get the credit for it from coast to coast. It will help our cause.” In addition to making public the anti-Semitic letter written by Moseley, Dies emphasized to the press how secretive the Committee had been in carrying out this investigation. Six witnesses, whose identities were guarded, testified in executive session. These witnesses were hidden from one another. The New York Times reported that to keep them separate, some witnesses were moved from one committee room to another by way of an outer window ledge five stories above the ground. This information served two purposes. It asserted to the press and public that the Committee was using executive sessions to determine the validity of the claims prior to making them public, and as great publicity, offering a teaser about upcoming events.67

Dies then outlined to journalists the basic elements of the scheme, as revealed in the executive session. It began when a waiter at an exclusive New York club overheard Jewish patrons discussing a plot to overthrow the government. The waiter passed along this and other information to Dudley P. Gilbert, a wealthy New Yorker and founder of a group called American Nationalists, Inc. Alarmed, Gilbert spent $8,000 of his own money to disseminate details of the scheme throughout the country. He enlisted the aid of James

Campbell, who alerted over forty individuals in the Army Officer Reserve and the American Legion about details of the plot, along with copies of anti-Semitic speeches by Moseley and radio demagogue Father Coughlin. Because of their inflammatory nature, the Committee refused to release Campbell's actual reports to the press. This was part of the Committee's general effort to address complaints about giving witnesses a public platform from which they could make outrageous claims. Instead of the reports, Dies explained the details of the financial arrangement between Gilbert and Campbell, and discussed some of the evidence the Committee had procured through subpoena.\(^{68}\)

The evidence added to the drama. George Deatherage, leader of the White Knights of the Camelia, was also linked to the plot through letters he had written Campbell. In this correspondence, Deatherage discussed building an army, commanded by General Moseley and headquartered in Atlanta, that could lead a counter-revolution against this imminent Jewish-Communist revolt.\(^ {69}\)

In explaining the plot to the press, Dies was simply repeating the basic testimony the Committee had taken that day in executive session. He did not yet tip his hand, however, by stating what he suspected was really going on: that no Jewish-Communist conspiracy to overthrow the government actually existed, but that right-wing groups had invented the plot in an effort to arouse anti-Semitism. The Chair hinted at his suspicions, however, by stressing the anti-Semitic tone of the reports.\(^ {70}\)

When the public hearings commenced the Committee's two main witnesses during the executive sessions, Dudley P. Gilbert and James Campbell, were joined by Deatherage and Moseley. All claimed that they were merely

\(^{68}\) *ld.*  
\(^{69}\) *ld.*  
\(^{70}\) *ld.*
patriots engaged in anti-subversive activity. In its 1938 hearings, the Committee would have welcomed testimony from the likes of Campbell or Moseley. It had heavily relied on information received from American Legionnaires. That representatives from the same types of organizations on which the Committee had previously depended were now under suspicion highlighted a common problem of anti-subversive work. Many of the organizations hunting subversives themselves frequently crossed the line into un-Americanism. Often these groups seemed to define un-American activities as what others were doing, but viewed their own actions as above reproach. Like the Klan voluntarily opening its files to Dies’ investigators, these witnesses believed—or feigned belief—that they were on the same side as the Committee. Deatherage and Moseley, in particular, were eager to share their findings on subversive organizations. All four primary witnesses claimed to be engaged in Americanism work, denied that they were anti-Semitic, and asserted instead that they were merely worried about a potential Communist revolution. The Committee was left to determine whether the four were simply misguided patriots who did not understand that by identifying the backers of this revolutionary plot to be prominent Jewish businessmen they were potentially arousing anti-Semitism, or whether the entire conspiracy was fiction invented solely to arouse hatred against Jews. As the hearings progressed, it became apparent that the Committee believed the latter.

When the public hearings began, the Committee’s reformed procedures were immediately obvious. Dies began, as in the past, by warning each witness that all questions were to be answered directly with no extraneous information offered. “A lot of witnesses,” he dryly observed, “want to go off on tangents.” Witnesses were now denied the opportunity to make opening statements, as had been inconsistently allowed in the past, in order to prevent the public airing of slanderous, unproven allegations. When Moseley appeared, for example, the
Committee refused to allow his statement in part because of its length, but also because Moseley wanted to present evidence he had gathered on subversive activities. Believing the General’s true motive was to spread his un-American, anti-Semitic beliefs, the Committee refused to provide him with a public platform. Improved procedure was also evident in the fact that the Committee was speaking to the individuals directly involved in the events at issue, rather than hearing second-hand accounts from representatives of patriotic groups. This meant that the Committee could question the main actors, which significantly decreased instances of hearsay. Moreover, by listening directly to the participants, the Committee was better able to judge whether the witnesses were telling the truth. The investigators had also subpoenaed the correspondence, cancelled checks, and bank and phone records it needed to confront the witnesses directly. Finally, the Committee hired an attorney, Rhea Whitley, as its counsel. Whitley assumed the role of lead questioner in all future public hearings.71

Whether it was the added presence of Whitley, or a matter of a larger staff and increased appropriation, the Committee soon proved itself much more adroit in conducting its second year of inquiry. It employed a more sophisticated and lawyer-like strategy in its hearings. Take, for example, the trap it laid for Dudley

71Hearings, Testimony of Dudley P. Gilbert, p. 3180. August Raymond Ogden credits Rhea Whitley for the Committee’s improved procedures. In contrast to the previous year, says Ogden, “Facts were adduced and real documentary evidence (bank accounts, checks, phone calls and letters) was presented to back up statements.” In the Committee’s defense, it had attempted to produce documentary evidence in the past, but was not always successful in doing so for reasons beyond its control. For example, during the first hearings on the German-American Bund the Committee unearthed a letter in which Bund leaders were instructed to destroy all correspondence and other materials that might be used against them by an investigating committee. This order was issued with the Dies Committee specifically in mind. The CPUSA was equally secretive. Finding a paper trail for these groups was a daunting task. This left the Committee to rely on witnesses, not all of whom were reliable, and many of whom offered both correct and incorrect judgments. August Raymond Ogden. The Dies Committee (Washington: Catholic University of America Press, Inc., 1945), p. 117.
Gilbert. The Committee first questioned Gilbert in an innocuous and routine manner. It was allowing him to weave lies as he offered his explanation of events. Following this initial appearance, Gilbert was later recalled and confronted much more aggressively with evidence that contradicted his earlier testimony. In 1938 the Committee had often played the part of a prosecuting attorney. Now it was behaving like a smart prosecuting attorney.

The name of Dudley P. Gilbert, the founder of American Nationalists, Inc. (AN), had been unearthed by Committee investigators in 1938. AN was one of the roughly 250 American fascist organizations on whom the Committee kept files, and was identified by James Metcalfe during one of his hearing appearances as an expert witness. Metcalfe had discussed Gilbert’s group in conjunction with the similarly named American Nationalist Party and American Nationalist Federation, and identified Gilbert as “prominent” in anti-Semitic and anti-religious circles. But Metcalfe knew little else about Gilbert and the Committee lacked both the funds or the staff to pursue this line of inquiry, so, as it did with many other right-wing organizations, it moved on. By 1939 it had the resources to investigate AN properly. During his hearing appearance Gilbert claimed that he had little information he could provide on this organization. Not only had AN been defunct since 1937, he said, but it was neither anti-Semitic nor anti-religious. Moreover, Gilbert believed that had AN been anti-Semitic, he would have attracted the funding necessary to keep it afloat. He also emphasized that he did not want his group to be confused with the other anti-Semitic organizations with similar names.72

72 *Hearings, Testimony of John C. Metcalfe*, pp. 2353-2354; *Testimony of Dudley P. Gilbert*, pp. 3181-3182. Gilbert later said of the American Nationalist Party that he had been approached by individuals wanting him to turn his organization into an anti-Semitic one, but upon his refusal “they made it impossible for me to continue in any way, and then they go out and form an organization as nearly as they could to mine, that is, using
Attempting to discover links between different organizations, the Committee asked Gilbert about other prominent right-wing propagandists. Gilbert denied knowing Pelley or any of the others Whitley asked about, but he did admit to having met Deatherage once in 1937, with Campbell in Newport, Rhode Island. Gilbert said that he instantly disliked Deatherage and his white supremacist views. The witness' friendship with Campbell, however, continued from their meeting in Newport to the present. Gilbert met Campbell again that same winter after Campbell had ceased his association with Deatherage. Gilbert and Campbell, who had both been active in Americanism work, decided to join forces, with Gilbert financing their activities.73

That same year, Gilbert was contacted by George Rice, whom he had met in 1934 when Gilbert had briefly joined an anti-Semitic organization.74 Rice had claimed possession of information in which Gilbert might be interested. Rice was the Harmonie Club waiter who overheard the revolutionary plans allegedly being laid by Jewish club patrons. Although Gilbert stated that he initially believed Rice's information was "fantastic as hell," after some of the items appeared in newspapers, he came to believe the waiter-spy.75 Rice began regularly sending

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74 Although Gilbert met Rice through an anti-Semitic organization, he nevertheless denied that he had prejudices against Jews. He told the Committee that once he discovered the nature of the organization, he promptly quit. *Hearings*, Testimony of Dudley P. Gilbert, pp. 3194-3195.
75 After more questioning, Gilbert was finally able to recall examples of predictions in Rice's reports that were later confirmed in the press. Rice reported on January 25, 1939, that "Welles would bait Japs again this week." Later in the week, Assistant Secretary of State Sumner Welles issued a strong statement against Japan. This and other examples provided by the witness were primarily of a military nature. Gilbert decided the story of the plot was credible only after press accounts seemed to corroborate other information in Rice's reports. At this point, Gilbert decided to send them on to James Campbell in the hope that his associate's anti-subversive contacts could get to the bottom of the matter. *Hearings*, Testimony of Dudley P. Gilbert, pp. 3194-3195.
reports to Gilbert. Upon receiving and copying them, Gilbert immediately mailed them to Campbell, who further disseminated them to his contacts in veteran’s and army reserve officer’s groups. Gilbert provided the Committee with these reports, but since they made wild claims about prominent persons, Dies accepted them only as “confidential exhibits,” and refused to make them public. This was a self-conscious attempt to address past criticisms that the Committee sought partisan gain by allowing slanderous testimony against public figures.76

The Committee was particularly skeptical of Gilbert’s denials that he was anti-Semitic given that all the alleged plotters he identified were Jewish. Dies asked whether the witness believed that the prominent men mentioned in the reports would favor overthrowing the American government. Gilbert answered that he did in fact believe it, and if the Committee needed convincing it had merely to invite Father Coughlin to testify about the connection between Jewish bankers and the Soviet government. Accepting for the sake of argument the existence of a plot, Dies still doubted that such prominent and, presumably, intelligent men would openly speak of treason in a public place. Gilbert explained that these meetings were held behind closed doors which were guarded by “out and out leftists” posing as waiters. But Gilbert had only Rice’s word on all this, and although he provided a physical description of the waiter, he did not know if George Rice was the man’s real name, or how to contact him. Gilbert assured the Committee that he had asked Rice if he would be willing to testify, to which Rice responded by accusing Gilbert of betraying his trust. Gilbert then added, “I hope it isn’t going to scare him off.”77

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76 Ibid., pp. 3187-3190, 3200.
77 Ibid., pp. 3203-3206.
According to information from Rice, the conspirators had three basic plans to take control of the government, Gilbert explained to the Committee. 78 Whitley asked the witness why, if he believed the plot, did he not contact government authorities. Gilbert answered that he wanted Campbell to use his Army and Navy intelligence sources, along with the veterans and reserve officers he knew, to check the veracity of the reports. Until he had definite proof of the conspiracy, it was not safe to come forward. Gilbert would have informed the Dies Committee, but he had no proof: "You would probably last summer have gotten me a lot of wrong publicity, or booed me out of the room and thrown the information in the wastebasket." Moreover, the witness had tried to keep the information of the plot limited to a small number of people, so that if it proved to be false, no innocent persons' reputations would suffer. Unfortunately, in the two years that Gilbert and Campbell had been receiving these reports, the only events they could validate through newspaper articles were irrelevant to the conspiracy. 79

After setting out the facts about the source of Gilbert's information, Whitley turned to the issue of finances. Although Gilbert claimed that he paid for the

78 Ibid., pp. 3195-3196. Plan No. 1 "was a gradual taking over of things," by which the witness meant that continued financial troubles for the country that might invoke another bank holiday, or similar desperate circumstances, would enable leftist groups to take control. This was as detailed a description as Gilbert would provide of these plans, although he did add that the plotters had hoped they could implement the plan through the Farmer-Labor Party. Recent election losses in 1938, particularly in Michigan, Wisconsin, and Minnesota, had put an end to this idea. The second plan relied on "direct action such as in Spain." Leftists would begin by inciting strikes which, "coupled with...an attack on government bonds," would weaken banks and insurance companies. Then, utilizing troops trained on the battlefields of Spain, leftists would seize control of communications and "stampede the people into a revolution." Plan No. 3 followed the Soviet model of revolution. It envisioned the United States becoming embroiled in a foreign war "out of which war will come a Soviet form of government." This was considered the simplest plan because, once in motion, any individual who opposed what they were doing could be labeled unpatriotic.

79 Ibid., pp. 3197-3198.
entire operation out of his own pocket, or more accurately, his wife's pocket, the Committee obviously had its doubts about this alleged arrangement. Gilbert claimed he paid Campbell for distributing the reports to his sources and for gathering information. Then, because Campbell had been having financial difficulties, Gilbert also gave him money to pay his ex-wife's alimony, for his daughter's operation, and to build a safehouse in rural Kentucky, where Gilbert could take his family for protection once the revolution began. In the event that the revolution never arrived, Gilbert planned to use the house as a hunting lodge.  

In a display of the improved procedure, the Committee presented Gilbert with copies of the checks he had written Campbell, asking him to identify each one. After Gilbert had done so, Dies asked, "Mr. Gilbert, don't you feel that you have been taken in by this fellow Campbell?" But the witness defended his associate, and argued that once the Committee heard from Campbell, it, too, would be convinced of his honesty. Dies suggested that most anti-religious organizations were rackets, an assessment with which Gilbert agreed. But of course, Gilbert was not engaging in anti-religious activity, he contended, merely anti-subversive activity. When asked by Dies about his contacts with others in this kind of work, Gilbert stated that most of them were "all either fanatics on the Jewish proposition or they were connected with outfits I didn't quite approve of." But when pressed, he was forced to admit that he had no proof that Rice was telling the truth. Regardless, Gilbert honestly feared a revolution, which was why he was having the Kentucky safehouse built. "I may be a patriotic fool," said Gilbert, "but I honestly believe it." The Committee then dismissed him. Gilbert

80 ibid., pp. 3200-3201.
would return later for more questions, and he would find that the Committee was in a much less agreeable mood. 81

James Cooke, the American Legionnaire who first informed the Committee of the existence of the reports, was the next witness. The Committee viewed him as a dupe taken in by propaganda peddlers. Cooke had not solicited the reports, nor did he know Campbell when he began receiving them. As Dies commented to the witness, "The very fact that it came to you in that way (unsolicited) impressed you, didn't it?" Cooke admitted that it did. "And the fact that partially some of it was true," Dies continued, "raised a doubt in your mind as to whether or not all of it wasn't true?" Cooke agreed again. The Committee was eager to prove one major point. It was that regardless of the fact that Campbell had specified that the information should be kept secret, individuals receiving the reports often showed them to other people. Cooke confessed that he had shown them to his Legionnaire friends. It was Dies' contention that Campbell fully understood that the people to whom he mailed the reports would be unable to resist showing them to others—that this was exactly his intention. Dies asked, "Isn't it your experience that when you surround anything with secrecy or mystery...that it is much more effective and appeals to the people more than it does if it is open and aboveboard, isn't that true?" Cooke agreed that the statement was "more or less true." "Well I may ask you this," Dies continued, "I don't want to get on any partisan questions...but in this whispering campaign, does it seem to be for the purpose of convincing the people that the Jews are running the Democratic Party?" To which the witness responded, "That hadn't occurred to me at all." Although Parnell Thomas objected that the purpose was more likely to arouse anti-Semitic animosity than to slander the Democratic party,

81 ibid., pp. 3203-3210.
the point remained that the Jewish-Communist plot had never been anything more than fiction. 82

Following Cooke's testimony, the Committee prepared the stage for Campbell's appearance. Whereas Cooke was forgiven for being a dupe, the Committee believed that Campbell was at the heart of this intrigue. The Committee hoped that the next witness, therefore, would provide some background on Campbell—or, as it was, provide no background. The witness was located only as a result of investigators' legwork in following leads and chasing down angles.

Reid Brodie was the president of a bank in Owensboro, Kentucky, Campbell's home. Brodie testified that when a Dies Committee investigator appeared at his door, flashing his credentials and asking about Campbell, he happily called around town attempting to find information. Campbell claimed to operate an engineering business in Owensboro, which the local credit bureau confirmed. But no one in the town knew Campbell, or had worked with him. Campbell did not have an account in any local bank. Brodie finally located an account for Campbell in Calhoun, a town eighteen miles away in another county. "Did it seem rather unusual to you," Whitley asked, "that a man who had opened up offices in a new town, supposedly engaged in a legitimate business, was keeping his presence secret instead of advertising it and making it known?" Brodie agreed that it "seemed very strange," and that for Campbell to have remained anonymous in a small town like Owensboro meant that he had taken pains to "conceal his presence and activities." Brodie's testimony had now called

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82 Hearings, Testimony of Cooke, pp. 3218-3221.
into question the nature of Campbell’s activities in Owensboro, setting the stage for Campbell’s testimony.83

Based on his professional record, Campbell’s Americanism should have been above reproach. He was exactly the type of man on whom the Committee had relied in the past to provide information. A captain in the Army Engineer Corps Reserve, Campbell was also active in his American Legion post, had served as the Americanism chair for the Veterans of Foreign Wars, Kentucky Department, and as national chair of the Reserve Officers Subversive Activities Committee of the Reserve Officers’ Association. In his civilian life, he testified, he was a small businessman, albeit a struggling one, running his Business Engineering Associates out of the Odd Fellows Building in Owensboro, Kentucky.84

During the time that Campbell was involved in Americanism work, he told the Committee, “I ran into about every subversive organization in the country.” This did not include Pelley’s Silver Shirts, but did include an introduction to Fritz Kuhn. Campbell also claimed that while he had met with George Deatherage on two or three occasions, he soon found Deatherage’s anti-Semitism, and desire to use him to make contacts among army reservists, repellent. Next, Campbell described his first meeting with Gilbert in Newport, Rhode Island, their subsequent decision to work together, their financial arrangement, and the demise of the American Nationalists, Inc., in roughly the same terms as Gilbert.85

Campbell’s account of George Rice’s reports—or “music scores,” as they referred to them—and his decision to quietly circulate the reports to a group of

84 Hearings. Testimony of Campbell, pp. 3224-3225.
85 Ibid., pp. 3226-3230.
forty men affiliated with the American Legion and the VFW throughout the country, also matched Gilbert's. Campbell never informed government authorities of the plot because he had been rebuffed by the Army when he had attempted to provide information gathered during his work for the Army Reserve Officers' Association, and because he feared that Rice would be scared away by such actions. Therefore Campbell decided to involve General Moseley—he hoped that Moseley might be in a position to pass along knowledge of the plot to the military or government.86

The Committee, which had subpoenaed Campbell's files, spent time attempting to sort through the profuse mailing lists kept by the witness to determine which was the list to whom the "music scores" were mailed. This was part of the general effort to determine the exact fashion in which these information networks operated. But to a Committee critic, the confusion generated by the multiple lists was an example of how simple it would be for the Committee to mistake which individuals were engaged in what activities. Campbell was active in disseminating anti-subversive (or subversive, depending upon whose version of events was to be believed) propaganda, but he was also active in veteran's organizations and Republican politics. In what was standard procedure for the Committee when it served a subpoena, investigators would sweep into an office and gather everything they could find. If information was not clearly marked, as was the case with Campbell's many lists, drawing reliable conclusions from the mass could be a challenge. Although Campbell was able to identify the proper list in this instance, the issue would rise again in 1940, when

86 Ibid., pp. 3239, 3225, 3231-3233. Campbell knew Moseley because the two men were part of a project seeking a cure for gonorrhea. Campbell had also arranged for Moseley to deliver a speech in Indianapolis.
the Committee was excoriated for making public allegedly subversive organizations' unverified mailing lists. 87

At this point the Committee turned to the question of the Campbell's finances. It found it difficult to fathom that Gilbert had given $8,000 to Campbell for circulating these reports. Campbell was also confronted about his alleged secretive behavior in Owensboro, the records of his accounts from three different banks, and copies of checks made out to him from Gilbert. Campbell provided reasonable explanations for his accounts, including the fact that he opened one in Calhoun when he had been staying with a friend there, before he had found a permanent place in Owensboro. The Committee asked whether he had told various individuals in Owensboro that he was in the oil business, a salesman for Ready-Mix Concrete, a salesman for Tell City Desk Company, or a Guenther Hardware employee. Campbell denied that he had made any such representations, although he stated that Tell City Desk was one of his clients. Campbell also provided a reasonable explanation for his curious habit of signing over Gilbert's checks to someone in town, in exchange for their personal check. This was, he said, simply because he usually needed the money immediately and local banks took six days to clear a check drawn on a New York bank. Finally, Campbell denied the accusation that his behavior was secretive and asserted in his defense that he had been in contact with the local Chamber of Commerce. 88

In this instance, the Committee showed that while the mechanics of its investigation had improved markedly from the previous year, at times they remained deficient. Confronting Campbell on these issues, it provided neither affidavits nor witness statements about Campbell's alleged representations that

87 Ibid., pp. 3233-3237.
88 Ibid., pp. 3241-3248.
he was engaged in the named businesses. As for the Committee's use of phone records, its mere possession of such material was an improvement over past procedures, but it did not make much use of them. For example, Whitley confronted Campbell with the phone records of a Harrison Fargo. Campbell not only claimed not to know Fargo, but denied being able to identify many of the phone numbers on the list. The Committee asserted that Campbell had used this phone line to make calls. But it did not state why it believed this to be so, the information source, or who Fargo was and why it mattered. When confronted with his own phone records, Campbell willingly identified all of the names and numbers about which he was asked.89

Returning to the subject of the credibility of the plot, Voorhis asked Campbell why, based on a few accurate predictions, he jumped to the conclusion that this scheme, which he had originally considered "fantastic," was real. Campbell responded only that he became convinced when some of the predictions proved true. Dies asked, "Did you think you were rendering a patriotic service?" "I did," Campbell replied, "yes, sir." "Did you think that to send out an absolutely unverified report—you didn't even know who made the report did you?" "No," answered Campbell. "You knew that Gilbert didn't know whether the facts were true; you had talked to Gilbert, you knew that Gilbert wasn't vouching for a thing in those reports," Dies continued. "Here you were sending out absolutely unverified, unsupported reports, you say in order to do a patriotic service to the country." "Yes, sir," replied the witness. Voorhis then asked whether Campbell thought it possible that a right-wing organization was spreading false information about a left-wing plot to overthrow the government, to create a panic and use the fear to improve its own position? Campbell admitted

89 Ibid., pp. 3243-3246.
that this was a good point, one that had already occurred to him, but it was not true.90

Dies interjected: “And isn’t it a...fact that...the plan was to disseminate information over this country to raise racial prejudice and hatred?” “Absolutely not.” Campbell answered. “And isn’t it a further fact that the understanding was that the people who got these reports were in turn to make use of them in the most effective way?” “No, sir,” Campbell protested, adding that the reports he mailed out had nothing to do with racial issues. But Dies countered, “What is there in here except racial issues?” Campbell replied that the Father Coughlin speeches he included in his mailings were not attacks against Jews generally, just against certain individuals who happened to be Jewish.91

The Committee continued to chip away at Campbell’s denial of any racial animosity. This was made easier by the fact that Campbell had left a paper trail, including correspondence with Deatherage, which the Committee had obtained by subpoena. Campbell testified that he dropped his association with Deatherage, but that Deatherage “tried to penetrate back into me again this winter.” He acknowledged answering several recent letters from Deatherage, but only for the purpose of extracting information from Deatherage about his present activities—a self-penned portrait of Campbell as devoted Americanist. But the Committee presented the witness with a letter he had written Moseley in which he told the general that Deatherage’s information was usually reliable. Finally, the Committee asked about a letter from the treasurer of the Indiana Republican State Committee, Felix McWhirter, asking Campbell whether Cordell Hull’s wife was Jewish and if he had any information on the Semitic connections of William Allen White. To find the answers for McWhirter, Campbell wrote Deatherage.

90 Ibid., pp. 3263-3265.
91 Ibid., pp. 3265-3270.
Even when presented with evidence of an ongoing relationship, Campbell maintained that he was only feigning friendliness toward Deatherage in order to spy on him.92

But the most damning piece of evidence used by the Committee was Deatherage's response to the query about White's connections and Hull's wife. Most of Campbell's letters were written in an oblique style which enabled him to offer explanations that countered the Committee's interpretation. This letter from Deatherage, by contrast, indicated that Campbell had sent at least some of the reports about the Jewish-Communist plot to Deatherage and that Deatherage and Campbell were on friendly terms. Deatherage was busy making plans for the counter-revolution which Moseley would lead. "[R]est assured that our time is coming," Deatherage wrote, "and that within the next twelve months, those that have borne the heart-breaking load of carrying on the fight—will come into their own." Deatherage went on to describe how Moseley would establish headquarters in Atlanta, from where he would build his army. He anticipated a "Jewish-American war," perhaps fought with propaganda, but if necessary, with force. Deatherage asked Campbell if he was absolutely certain that the reports contained more than rumor because "You realize what would happen to our standing if we went ahead and then found that we were barking up the wrong tree." He finally concluded: "We do not need fascism or nazism, that is true, but to my mind we will have fascism, call it what you may, for there can be no solution to this except a disciplined force under central leadership, and an economic program that will put these millions back to work and keep them there." Campbell tried again in vain to explain that he wrote Deatherage only to find out

92 Ibid., pp. 3271-3272, 3275, 3277.
about his present activities. After questioning Campbell about his opinions of Father Coughlin, the Committee dismissed the witness.93

Next day, the Committee recalled Gilbert. The questioners were now decidedly more pointed than they had been in his first appearance. Whitley began by revisiting the topic of the allegedly defunct American Nationalists, Inc. Gilbert admitted that he and Campbell continued to use the designation AN to refer to the group of forty men to whom the reports were mailed, though AN supposedly no longer existed. Whitley asked if he was claiming the organization had gone out of business when it had actually gone underground, which Gilbert denied. Whitley next asked Gilbert if he possessed any fascist sympathies or leanings. Gilbert again issued a denial. Then Whitley produced a letter Gilbert had written to Campbell offering his partner encouragement in his work and observing that those who were ultimately successful were usually forced to suffer before achieving victory. As an example, Gilbert cited the fact that Hitler had been “jailed and persecuted” and Mussolini was “insulted, stoned and driven from town to town.” Gilbert ended the letter with the cry: “Long live nationalist America!” When confronted with this letter, Gilbert could only respond weakly. He was trying to show that if Hitler and Mussolini could be successful in a bad cause, then surely he and Campbell could be successful in a good cause. As to whether he admired the two fascist leaders, Gilbert answered, “I might say I admire them in the same way I admire a man I don’t like at all....I admire any man who fights his way up from the bottom.”94

When pressed on the issue of nationalism, Gilbert explained that he believed that after ten years of depression the country was in danger from ideologies of both the left and the right. To counter this danger, the United

93 Ibid., pp. 3276-3281.
States would need "some strong movement of a patriotic type." But, he said, an
American nationalist movement should not be mistaken for Nazism. Voorhis
asked what kind of movement Gilbert had in mind and what kind of government
he envisioned. "It would mean," Gilbert answered, "probably a strong movement
to bring political pressure on both parties, regardless of party line," but this would
mean neither storm troopers nor uniformed men. "Why were you trying to attract
generals and Army officers to this program?" Dies asked. "I wasn't," said Gilbert.
But, as Dies pointed out, Gilbert knew these were the men to whom Campbell
sent the reports. Still Gilbert argued that these men were simply patriots who
were willing to work for their country. Gilbert was not opposed to representative
government, but he envisioned a movement led by a large group who would "get
together and fight the present difficulties and troubles before the country, and to
put enough backbone in some of our political friends so they won't hesitate to go
ahead and make the necessary cures." To Gilbert, however, this was an
alternative to revolution, not a revolution itself.95

The Committee had obviously changed its line of questioning, tone and
attitude significantly from Gilbert's first appearance. He began to show signs of
strain. As his inquisitors became more aggressive, Gilbert's frustrations grew.
"Mr. Dies," Gilbert complained, "a few minutes ago you told people this wouldn't
be a third degree. If you are going to ask me questions whether I stopped
beating my wife, all right, let the public know too." Later, the witness complained,
"I think you have been very unfair to me, all right, I don't mind telling the press." 
Unfortunately for Gilbert, the Committee was just warming up.96

In his first appearance, the Committee had given Gilbert a pass about the
reports received from Rice. Now it returned to the issue hoping to disprove the

95 Ibid., pp. 3299-3300.
96 Ibid., pp. 3301, 3303.
claim that Rice's reports predicted events that subsequently appeared in press accounts. Since Gilbert and Campbell had asserted that this was the only reason they had given any credence to the reports, the Committee wanted to show that Rice—assuming Rice even existed—was getting his information from public accounts, not from overhearing conspiratorial conversations. When Gilbert received a report from Rice, he would copy it out longhand, then mail it to Campbell, usually airmail, special delivery, within 24 hours. After Gilbert explained the procedure, Whitley turned to specific predictions made by Rice in April 1939. In the report in question, Rice stated that the Pacific fleet, then in the Atlantic, was going to be ordered back to the Pacific. Gilbert mailed this information to Campbell on April 16, but as Whitley noted, the press had reported the fleet movement on April 15. Gilbert maintained that he was then vacationing in Atlantic City. Therefore, Rice, rather than personally hand him the report and watch him recopy it, mailed the information, and so Gilbert did not receive it until after the official announcement had been made.\textsuperscript{97}

Whitley continued questioning the predictive value of Rice's information through similar examples in which Campbell received reports after the relevant event was reported in newspapers. But since Whitley continued to choose examples from the period when Gilbert was in Atlantic City, Gilbert's argument remained that the reports were written before the press accounts, but he did not send the reports to Campbell until later. Despite Gilbert's reasonable explanation, Whitley seemed convinced that he had tripped up the witness.\textsuperscript{98}

Whitley was more successful in discrediting Rice's information when he called attention to the fact that Rice's April 5 report to Gilbert listed the names of the planning committee for New York's May Day celebrations. The \textit{Daily Worker}

\textsuperscript{97} \textit{Ibid.}, pp. 3310-3316.
\textsuperscript{98} \textit{Ibid.}, pp. 3317-3319.
had printed the names several days earlier; moreover, Rice listed the eight names in the exact order found in the paper. Gilbert argued that this was just a coincidence. But Whitley countered convincingly that Rice probably copied the names from the paper and passed them off as information overheard at the Harmonie Club.99

The machinations of Cooke, Campbell and Gilbert with their stories of eavesdropping waiters and prominent men scheming against the government might have been amusing but for the anti-Semitism that lay at the heart of their tale. To the Committee's credit, they immediately recognized these men for the small, purveyors of hate that they were. But as ridiculous as Cooke and the others may have appeared to some, their message that the nation was facing an internal crisis resonated among many on the right, in military organizations, and among a handful of prestigious and powerful men. If these powerful individuals could be made to believe the stories of Jewish-Communist conspiracies, and could be united under the right leader, then, the Committee believed, the threat to the nation would be real.

99 Id.
Chapter Seven:
“Men on Horseback”: Reigning in Right-Wing Leaders

General Moseley: I explained to him then the great power of martial law, and I said, “That doesn’t mean that you are going to have a lot of soldiers, but it simply means that you have the power of removal of civil officials when there is any difficulty with those particular civil officials down the line.”

Voorhis: Suppose, though, that a man has been elected by a democratic process of the people, would you still remove him?
General Moseley: Oh, yes; under martial law. That is the power of martial law.¹

Although the primary purpose of congressional investigations was and is to gather facts to aid in drafting legislation, the Dies Committee was satisfied with exposing the machinations of domestic fascist organizations. Exercising the informing function also included holding up the leaders of these groups to public opprobrium. In the case of domestic fascists, these were the strong men, the “men on horseback” to whom others turned to save the country from the Communist and Jewish threats. The Committee would have been delighted if it had uncovered definitive evidence that these men had engaged in treasonous behavior. But at a minimum, it hoped to confront them publicly about their beliefs and activities.

In seeking testimony from these men, the Committee was again showing that it had learned from past mistakes. It no longer relied on second and third-

¹ *Hearings, Testimony of George Van Horn Moseley.*
hand accounts from professional patriots. It now went directly to the source—the organizations' leaders. But this technique presented its own set of problems. These witnesses often lied, obfuscated and stone-walled the Committee—particularly if they were engaged in illegal activity. The fact that they had first-hand information was no guarantee that they would tell the truth. In the end, they seldom provided any useful information, and, once again, the Committee had to content itself that the public could see through these lies, thereby gaining greater insight into the nature of American fascism.

The first witnesses to testify in the May 1939 hearings had focused on the origins of the reports of a Jewish-Communist conspiracy to overthrow the government. The final two witnesses, Deatherage and Moseley, discussed their efforts to create a counter-revolution comprised of right-wing groups united to fight the Communist menace. Dies was no doubt pleased by the headlines generated by tales of a Jewish-Communist conspiracy and right-wing counter-conspiracy. But he was also happy finally to have the opportunity to question the men to whom these right-wing groups looked for leadership.

Deatherage, the head of the Knights of the White Camelia, was the first fascist leader to appear at a hearing. His name was usually included among the right-wing figures whom critics claimed the Committee had failed sufficiently to investigate. Founded during Reconstruction by ex-officers of the Confederate Army, the Knights of the White Camelia shared the goals and methods of the Ku Klux Klan. According to Deatherage, the organization fell dormant (presumably during the late 19th century, although he did not specify) until he revived it "when
the Marxist crisis arose." Deatherage, however, disavowed any connection between the Knights and the Klan.  

Before even beginning his testimony, Deatherage proved to be a quarrelsome witness. Upon Dies' attempt to administer the oath, Deatherage demanded to know, "Is that a Christian oath?" Dies informed him that it was the standard oath utilized in congressional hearings. "I want your assurance it's a Christian oath," he retorted. Although Deatherage did then take the oath, he immediately objected when Dies instructed him to make his answers responsive to the questions, the same as would be expected "anywhere else." "You mean in any other court?" Deatherage asked. "In any proceedings," Dies answered. "Is this an investigation or a court?" the witness demanded to know. "I have an objection to making an answer without presenting my evidence. I am not on trial, Mr. Dies." Refusing to concede the point, Dies informed Deatherage that he was to answer the questions without "volunteering" extraneous information. "I don't know about that," Deatherage objected, rising from his seat. Dies ordered him to sit down. "You come over here and make me sit down," jeered Deatherage. Dies then instructed two officers to restrain him, after which, Deatherage acquiesced.  

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3 Hearings, Testimony of George Deatherage, pp. 3455-3456. Deatherage obviously enjoyed his skirmish with Dies over the Christian oath. Later recounting this run-in he wrote that after he challenged Dies to make him sit down, "It was then I realized that the man was plain yellow. This peerless son of Texas, where men are men and to date have behaved so, got up, made two steps forward and called the officers." Dies stopped, said Deatherage, because he was so physically imposing. "[T]he keeper of the Sacred Cow from the wide plains of Texas decided he did not want to get himself messed," Deatherage concluded. "That, good people of Texas, is the 'tough guy' who represents your part of the Lone Star State. Shades of Davy Crockett! The trial went on."

George Deatherage, "Has Martin Dies Sold Out to the Jewish Banker?" NARA, RG 233, Series 11, Box 99, File: Deatherage, George.
Although his disruptive behavior ultimately regressed to childish taunts, Deatherage’s complaint was valid. He was concerned that the Committee planned to present evidence that would place him in the worst possible light without providing him an opportunity to present his side of the story. Moseley, who followed Deatherage to the stand, made the same complaint. Given the treatment meted out to witnesses in the Committee’s 1938 hearings, this was a reasonable fear. And although its investigative procedure had improved from the previous year’s low standards, the Committee was still willing to brutalize witnesses. This task was made easier by the now uniformly enforced refusal to allow witnesses to make preliminary statements, and the strict requirement that answers be directly responsive to the questions asked. While the Committee was correct when it argued that these reforms prevented witnesses from slandering innocent persons and, in Dies’ words, “go[ing] off on tangents,” these improved procedures also presented a danger to witnesses in that they reserved all power to the Committee. A witness forced to confine his responses to “yes” or “no,” while being denied the chance to explain or qualify his answers, was vulnerable to attack. A skilled interrogator could easily manipulate questions to make a witness appear guilty. This was a standard lawyer’s trick. Perhaps fear of becoming its victim inspired Deatherage’s question about whether the proceedings were to be considered a congressional investigation or a court of law.

In a courtroom, when a lawyer attempts to color a witness’ testimony by insisting upon simple “yes” or “no” answers, on redirect examination the opposing attorney may then give the witness the opportunity to explain himself fully. A witness in a congressional hearing, however, is given no such chance for rehabilitation. A committee, acting as prosecutor, asks the damning questions, but the witness has no legal representative who is allowed to cross-examine.
This vulnerability is magnified when the witness is also denied the chance to offer an opening statement. If a committee so chose, it could completely prevent a witness from presenting his case. Although Deatherage initially raised the issue, it was primarily during Moseley’s testimony that Committee counsel Whitley attempted to employ this litigation technique. As will be seen, however, old soldier Moseley battled back, insisting on, and often winning, the right to explain himself.

Despite the ugly start, Deatherage’s hearing appearance was largely civil and at times, friendly. Deatherage appeared to be responding to the questions openly and honestly. Compared to other witnesses, he seldom obfuscated or attempted to avoid answering. The only questions he flatly refused to answer regarded the number of members and posts of the Knights of the White Camellia. As commander of the organization, Deatherage had taken an oath of secrecy, and he told his interrogators, “if that is contempt of court and I have to go to jail, I am quite content.” Although the Committee was within its right to do exactly that, it did not press the issue.  

Regarding other issues, however, Deatherage answered freely. Typical of his attitude was his reply to a question about whether he had discussed his “movement” with other people. “I talk my head off every time I get a chance,” he answered. He was unashamed of his activities, steadfast in his belief that “Jewish communism” presented a danger to the United States, and, like Gilbert and Campbell, he denied that this meant he was anti-Semitic. Wanting to share the fruits of his own examination of subversive activities, Deatherage was frustrated by the Committee’s continued refusal to accept “the benefit of our records.” He attributed the Committee’s disinterest to the fact that Dies had “sold

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4 Hearings, Testimony of George Deatherage, pp. 3457, 3459, 3462, 3472, 3485.
out to the Jewish banker.” Deatherage personified the type of individual whom the Committee viewed as engaged in un-American activities, but who did not see himself in the same light. At times, however, the Committee seemed quite taken with this witness’ candid replies. Large portions of this hearing consisted of Dies’ earnest attempts to explain to Deatherage how his beliefs and activities could be as dangerous as those of his enemies on the left, the Communists.⁵

Deatherage, however, saw nothing “anti-racial or anti-religious” in his beliefs. He claimed to oppose fascism, and stated that he had no prejudice against Jews generally. Deatherage drew a distinction between the “small Jew,” whom he included among the most oppressed people in the world, and the “minority clique at the top of Jewry,” in particular, “international bankers.” These “international bankers” or “communistic Jews,” were to blame for bringing a proletariat state to Russia, and if decisive action were not taken, would do the same to the United States.⁶

Neither Dies nor Whitley accepted Deatherage’s denials of racial prejudice. Although he denied advocating fascism, Deatherage confessed that he was a student of Hitler’s methods, that he admired the manner in which Hitler had dealt with the “Jewish question” in Germany, and that he chose the swastika as the symbol for his proposed American Nationalist Confederation. The Committee also viewed the Confederation platform, written by Deatherage, as motivated by anti-Semitism, particularly its pronouncements against international bankers, “of whom Jews are in a majority,” and its definition of fascism as “a patriotic revolt...against Jewocracy.” But Deatherage insisted that he deliberately drafted a radical platform from which Confederation members could

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⁵ Deatherage to Dies, June 9, 1939; “Has Martin Dies Sold Out to the Jewish Banker?” NARA, RG 233, Series 11, Box 99. File: Deatherage, George; Hearings, Testimony of George Deatherage, pp. 3457, 3459, 3462, 3472, 3485.
⁶ Hearings, Testimony of George Deatherage, pp. 3499, 3525-3526, 3489-3491.
pick and choose in an effort to "get a cross-section of feeling." When pressured by Dies, however, Deatherage conceded that the platform could be misinterpreted. But when asked whether he advocated using force against Jews and whether his strongest appeal was the fact that "a lot of people don't like the Jewish race," Deatherage replied, "No, no; absolutely not; emphatically not." Deatherage alleged that he would never advocate the use of violence toward Jews unless "civil disorder started by the leftist side" necessitated "force to save our homes."\(^7\)

As far as Deatherage was concerned, the "American-Jewish war" had already begun, but was being fought with "money and propaganda instead of rifles." When the Committee expressed doubt about this assertion, Deatherage insisted that if it gave him sufficient time, he could take the Committee "step by step and show you the whole situation, names of individuals, organizations, methods of financing, documentation, photostats of this, that, and the other thing, which support it all." Congressman Dempsey demurred, however, noting that while the Committee wanted to get at all the facts, it was not going to "smear people by having their names appear." This was a wise decision. Deatherage, like Moseley after him, wanted nothing more than to use the hearing to publicize his cause. Dempsey did offer Deatherage the chance to present his records to the Committee's attorneys and investigators privately, review the material with them, and prove the validity of what he could. At that point, the Committee might be willing to accept any "reliable" information. Deatherage's material, however, never appeared in the record.\(^8\)

Regarding the Gilbert-Campbell reports on the Jewish-Communist conspiracy to overthrow the government, Deatherage maintained his candid

\(^7\) Id.

\(^8\) Hearings, Testimony of George Deatherage, pp. 3502-3503.
demeanor. Although Campbell had attempted to disavow a close relationship with the witness, Deatherage testified that he had worked closely with Campbell for approximately a year, during which he had paid Campbell $1,500 in cash. Whereas Campbell had stated that he found Deatherage’s anti-Semitism repugnant, Deatherage avowed that he did not see “any material difference” between Campbell’s views and his own. The letters in the Committee’s possession, letters with which it had earlier confronted Campbell, appeared to bear out Deatherage’s claim that his relationship with Campbell was closer than the latter wanted to admit. On the other hand, Deatherage confirmed Gilbert’s account that the two had met in person only on the one occasion at Newport, and had no further dealings. Nor, said Deatherage, did he realize that Campbell and Gilbert had been working together.9

Despite their past association, it was Moseley who first informed Deatherage about Campbell’s reports, or “music scores.” Moseley had shown the witness between thirty-five and forty of the bulletins he had stored in a trunk. Deatherage stated that neither he nor Moseley initially took the reports seriously, but he decided to ask Campbell about their reliability and determine whether Campbell’s information matched his own. Deatherage did not need convincing that such a plot existed. He believed that the country was headed in that direction, which was why he supported the formation of a national federation of anti-Communist groups to prepare for the day when Communists began their assault on the United States.10

Because Deatherage feared an inevitable social revolution, he hoped to recruit Moseley to lead an Atlanta-based federation, including an army comprised of military retirees and reservists. This army would operate only in the case of

“civil disorder.” Deatherage was adamant that he would support only normal constitutional political or economic changes. He advocated the use of force only in the event of a “break-down of constitutional law and order” or a “social revolution.”

But Deatherage’s testimony regarding the national organization, and Moseley’s involvement in it, was often confusing and contradictory, partly due to poor examining by Whitley. The confusion may also have been an attempt by Deatherage to protect Moseley. According to his testimony, Deatherage founded the American Nationalist Confederation in 1938 “for the purpose of establishing liaisons between different...organizations in the United States which might have the same objectives.” Although thirty-five to forty groups joined the Confederation, Deatherage admitted that he was never able to generate much enthusiasm among the better known right-wing propagandists. For example, neither Pelley, Winrod, nor the Bund expressed interest. Deatherage believed that the primary obstacle to recruiting organizations into his Confederation was the lack of a “competent leader...who could inspire confidence.” Moseley, he believed, was the only man with the requisite stature to fill this role. Of the groups which had agreed to participate in the Confederation, most were extremely enthusiastic about the prospect of Moseley as their leader. About this much Deatherage was clear, but when it came to determining what role the general had agreed to play, the story became murky.

At different points in his testimony, Deatherage was inconsistent about Moseley’s involvement. Based on his past conversations with Moseley, said Deatherage, he developed the idea to form the American Nationalist Confederation and thought Moseley might be interested in leading it. But, he

11 Ibid., pp. 3473, 3500, 3476-3477, 3498, 3502, 3490-3491.
12 Ibid., pp. 3521-3525, 3471.
added, although he discussed the plan with the general, Moseley was a "man who makes up his own mind," and had never agreed to take the position. At another point, however, Deatherage stated that he never intended for Moseley to assume control of the Confederation, and that he had advised Moseley against joining any existing group. He thought Moseley should create his own organization. Elsewhere in his testimony, Deatherage said that although they never got as far as making a plan, he had talked to Moseley about leading a national organization to combat subversive activities. 13

Addressing the question of Moseley's involvement, Whitley asked Deatherage about a letter he had sent to Campbell in which he said that Moseley planned "to start a little G.H.Q. in Atlanta, where we will map the enemy...and prepare the plans for the campaign." Deatherage explained that Moseley believed establishing a central headquarters in Atlanta "was the logical thing to do...if a national organization could be organized, and should be organized." The only question, said Deatherage, was "who should belong to [the organization] and what policy should be followed." 14

But the uncertainty as to what Moseley had agreed remained. Shortly after making the quoted statement, Deatherage added, "The only definite thing [the general] agreed on, was...there should be either now or eventually, a national organization to unite all Americans who were anti-Communists." With all of these contradictory statements, it was difficult to determine whether Moseley supported only the establishment of an anti-Communist organization, or whether he supported the formation of a military organization comprised of former and

13 Ibid., pp. 3500-3501, 3522, 2459, 3461.
14 Ibid., pp. 3500-3501.
reserve military men. Whitley never focused his questions on these contradictions or forced Deatherage to clarify Moseley's role.\textsuperscript{15}

In addition to questions about the reports he received from Campbell and the establishment of a counter-revolutionary military organization, the Committee was eager to know how closely the different organizations that contemplated joining his Confederation worked with each other, and what ties they had to foreign governments. Since Deatherage did not publish his own material, but merely reprinted and disseminated material written by others, he corresponded with, purchased written tracts from, and exchanged information with, most of the major right-wing propagandists, including True, to whom Deatherage was very close, Pelley, Robert Edmondson, and Winrod. When it came to joining his national Confederation, however, many of these individuals balked. Pelley was unwilling to involve himself with any group he could not control. Deatherage never heard from Father Coughlin and the German-American Bund was "not the kind of organization that will cooperate with anybody."\textsuperscript{16}

The Committee was also interested in Deatherage's testimony concerning his contacts with international propaganda agencies. Deatherage exchanged propaganda with the World Service Organization, the Nazi propaganda agency located in Erfurt, Germany. Although previous Committee testimony had indicated that the World Service Organization had reprinted one of Deatherage's speeches and sent it back to the United States, Deatherage claimed to know nothing about it. He also denied having ever been on the payroll of the Nazi government or acting as an agent for them. Deatherage did exchange information with sympathetic groups in Germany, Italy, India, China, Siberia, and Russia, but the relationship did not extend beyond trading propaganda.

\textsuperscript{15} Id.
\textsuperscript{16} Ibid., pp. 3466-3471.
Moreover, German embassy officials had refused to offer his group any financial or organizational assistance. This undoubtedly disappointed Dies, who had so much invested in proving that these types of groups represented an organized threat with ties to foreign governments. The *New York Times* reported that Dies was "persistent" in trying to "swerve" Deatherage from his statement that the German Embassy had twice refused to give Deatherage's organization any aid.\(^\text{17}\)

But it was the ongoing discussion about the anti-Semitic nature of Deatherage's beliefs that provided the most interesting exchanges of his appearance. If Deatherage's testimony was to be believed—the fact that he made no effort to moderate his opinions could be taken as evidence of his sincerity—he saw himself as a good American fighting to protect his country. Acknowledging this possibility, Dies attempted to reason with him. Dies lamented that Deatherage chose to counter extremism on the left with extremism on the right. "I am concerned," Dies said, "lest the continuous hammering away at the fact that the people have got to choose sides...will lead to the very thing which you profess not to want but for which you prepare." Deatherage replied, "[I]f we can awaken the American people to facts and what is going on, and get rid of their apathy and let them stand up and be...." Dies interrupted the witness: "But isn't the thing we have to awaken them to, Mr. Deatherage, is a vigorous employment of constitutional democracy rather than to awaken them to a hatred of a certain group of people or to the idea that they must prepare and arm themselves for conflict?" Dies argued with Deatherage about the importance of individual rights and tolerance for all groups. Men should be condemned for their

individual misdeeds not for belonging in a specific "racial" category. Dies asked if condemning a single "race" of people was not "violating the very basic principles upon which the Republic was founded." With each of these points Deatherage concurred. Deatherage also agreed with Dies' contention that "the history of Europe has shown pretty clearly that one brand of hatred always begets another brand." But ultimately, Deatherage contended that the nation was confronted by a crisis and the only way to counter the danger was an appeal to people's basest instincts, because the average American did not possess the intelligence to respond to reasoned arguments in favor of tolerance and constitutional processes. The Communist threat could be stopped only by an appeal to emotion. "Now I can get up in my [Knights of the White Camelia] post...and I can take any concrete example or piece of legislation or anything else, and I can talk to them until I am deaf," he explained, "[T]hey don't get that, and then they break up, they go downstairs and each of them will maybe get four or five beers, and then all they want is trouble...."18

In pursuing this line of questioning, Dies made clear his belief that so-called anti-Communists were as dangerous as Communists. He observed that Deatherage kept his membership lists secret and burned all his correspondence. Dies also noted that Deatherage's desire to recruit former military men so that in the event of civil disorder he could draw on an experienced leadership ready to assume control, was similar to the theory behind the Communist Party's revolutionary vanguard.19

By pursuing Deatherage about his plans for the American Nationalist Confederation, the Committee finally pinned down his real opinion of fascism. Throughout, Deatherage had disavowed fascism, perhaps in an attempt to avoid

directly stating his support for the unpopular ideology. But his private correspondence exhibited an ambivalence on the subject. The Committee asked Deatherage about the letter (quoted earlier), read during Campbell's testimony, in which he stated: "We do not need fascism or nazism, that is true; but to my mind we will have fascism—call it what you may—for there can be no solution to this except a disciplined force under central leadership and an economic program that will put these millions back to work." Deatherage maintained that he advocated central control and extreme nationalism as 'an antidote, a last resort,' to communism. "I say you don't need it," Deatherage insisted, "but in my opinion that is what you are going to come to, not because you don't want it, but because you can't help it." 20

After attempting to explain to Deatherage that hatred begets hatred, the Committee dismissed him and called Moseley to appear. Although testimony from both Campbell and Deatherage had vindicated Moseley of any involvement in the fascist plot, the Committee nevertheless invited the general further to clear his name. Moseley accepted the invitation and testified for two days in a public hearing. That someone of his stature might be involved in a fascist plot against the nation heightened interest in the proceedings. Accompanied by his attorneys and Montana Congressman Jacob Thorkelson, an outspoken opponent of communism, Moseley entered a hearing room crowded with over one hundred spectators. They included Moseley supporters, the leaders of the American Gentile League and America First, Inc. 21

Moseley's appearance illustrated the advantages of the Committee's improved procedure. In the past, it had relied on information gathered by

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patriotic organizations with only the barest assurance that the evidence was accurate and had been verified. Now that it had cleaned up its act, the Committee felt justified in condemning Moseley for relying on the same type of unverified evidence. Primarily, however, the Committee benefited in that having already interviewed other major actors in this plot and subpoenaed their records, it could ask Moseley questions, wait for his reply, then confront him with contrary evidence.

On several occasions it was apparent that Moseley was not being completely honest. Yet the Committee found no evidence that Moseley had engaged in illegal behavior. Throughout his appearance, he presented himself as an honest patriot concerned about the future of the country—one who always urged his fellow-patriots to obey the law. In the end, therefore, the Moseley hearings highlighted the power of the informing function of congressional investigations—when used correctly. Moseley had been embraced by a variety of right-wing organizations who hoped he would be their “man on horseback” leading the crusade against the forces of Jewish-communism. To guard against the possibility that Moseley’s reputation might influence gullible Americans to support the extreme right under the guise of protecting the nation from the Communist menace, the Committee sought to expose him as an anti-Semite motivated by hate. Although, as usual, the questions asked of Moseley were disordered and repetitive (this aspect of the Committee’s procedure never improved), over the course of the hearings, the Committee covered three subjects: Moseley’s participation in the building of a fascist confederation to
counter the Jewish-Communist plot to seize control of the nation, his relationship to right-wing organizations around the country, and his anti-Semitic beliefs.\textsuperscript{22}

Because Dies was home in Texas, Healey chaired the hearing and led the questioning. Moseley was denied the right to begin by reading a prepared statement. Although the Committee was supposedly committed to a new procedure of refusing all prepared statements in an effort to prevent speechmaking and slander, Healey told the witness that if he cooperated by answering questions, he might be allowed to read his statement at the end of the hearing. This angered Moseley who claimed that Dies had promised him he could read his statement. Moseley was also worried about his reputation, which he felt had been maligned in papers throughout the country. “Mr. Chairman,” he pleaded. “you advertised me from coast to coast in things that you gave out.” Healey objected to this characterization. Although Dies had previously recognized the potential for the Committee to smear names, Healey now refused to acknowledge the danger. He blamed Moseley for bringing the negative publicity on himself. “That statement is not correct,” Healey said. “Those are matters that developed at this hearing. The committee didn’t advertise you. The conditions and circumstances that were brought out at this hearing did that.”\textsuperscript{23}

Unable to sway the Committee, Moseley agreed to forego his statement for the present and answer questions. Whitley opened by asking about Campbell. Moseley said that he met Campbell about three or four years before his retirement. Campbell, who “used to make a tour of the United States investigating conditions,” would stop by Moseley’s office in Atlanta about once a

\textsuperscript{22} On Moseley and the extreme right-wing, see Scholnick, \textit{The New Deal and Anti-Semitism in America}, pp. 128-135; Ribuffo, \textit{The Old Christian Right: The Protestant Far Right From the Great Depression to the Cold War}, p. 73.

year, he said, to "give me a report, informally, of conditions." Moseley also admitted to writing Campbell often. "Did you ever hear Mr. Campbell express himself as being in favor of setting up a military government in this country?" Whitley asked. "Never," Moseley answered, "and, gentlemen, all these young men who talked to me always got the same advice, and that was to do these things that they had in mind, lawfully..." "You have answered the question," Healey interrupted, refusing to allow Moseley to defend himself.²⁴

Moseley denied that Campbell was anti-Semitic or possessed any fascist or Nazi sympathies. Casting doubt on this claim, the Committee confronted him with two letters. In the first, Moseley told Campbell that the "feeling against the Jews is growing from coast to coast and, rightly, they are becoming alarmed." Moseley denied that this indicated any anti-Jewish animus on his part. The Committee then referred to Campbell's chilling reply: "I agree with you heartily that the feeling against the Jews is growing from coast to coast and rightly so. It is all their own doing, and unless they stop attempting to use our country as a cat's paw for their internationalism, they are going to be surprised, because it will be the biggest liquidation of all mongrels they have ever known." In the face of this evidence, however, Moseley insisted that Campbell was not anti-Jewish, just "pro-American." But regarding his own actions, the most important point Moseley wanted to convey was that he and Campbell agreed that all of their activities would remain lawful and based on "American principles."²⁵

Moseley met Deatherage while attending the Women's Christian Conference in Cincinnati in October 1938. Shortly after this brief, first meeting, Deatherage spent a month in Atlanta, at which time he and Moseley saw each other every day. Corroborating Deatherage's account, Moseley said that he

²⁴ *Hearings*, Testimony of George Van Horn Moseley, pp. 3612, 3548.
turned to Deatherage to learn about the various organizations which were then seeking his support. Deatherage, Moseley said, "struck me as just a two-fisted, honest patriot, and so I asked him about a number of these individuals, who they were and whether they were reliable or not." Moseley was extremely careful in describing his participation and relationship with these groups. He constantly referred to them as "patriotic" and claimed to agree with their "general mission," but at the same time distanced himself from their methods. "You see I was an innocent baby with all the heads of these various organizations: I didn't know anything about them," he explained. "You may have some letters from me at the outset when I thought they were all right....But later when I came to investigate these people I found I couldn't go along with them."26

Deatherage's primary reason for spending time in Atlanta was to convince Moseley of the necessity of forming an American Nationalist Confederation "to coordinate the various patriotic organizations then existing." Moseley said, "I repeatedly told him that I couldn't have anything to do with leading such an organization." "In other words," Healey asked, "he wanted you to be the man on horseback; is that true?" "[N]o; he wanted me to take leadership of his group," the witness replied carefully. Moseley claimed to be neither sympathetic with Deatherage nor to approve of his methods. When Whitley read from Deatherage's letters to Campbell about a military government headquartered in Atlanta and led by Moseley, Moseley was adamant that he had refused to participate in the scheme. "That is the trouble with poor Deatherage," he said.

26 Ibid., pp. 3691-3692, 3568-3570. Since Moseley stated that Deatherage informed him about the nature of some of these patriotic groups, Whitley asked him about the Knights of the White Camelia. Moseley said that the Knights were anti-Jewish "only as the Jews were involved in communism." Nevertheless, Moseley did not want to be associated with Deatherage's Knights because he believed them to be similar to the KKK.
"He has that idea all along. He is one of these two-fisted fellows and regardless of the law he wants to do something."27

Turning to the reports of the alleged Jewish-Communist plot to seize the country, Moseley said that he knew that Campbell and Deatherage were acquainted with each other "[i]n [the] way that a lot of these individuals know each other, [as] heads of patriotic organizations; that is all." He began receiving the reports from Campbell in October 1938. He had only a vague idea that they were based on information overheard at "some gathering in New York City." He was aware that they were being distributed "here and there," but claimed not to know that they were mailed to individuals in veterans groups across the country. Moseley had paid little attention to the approximately twenty reports that he received until he noticed that material in them "checked up with information that came from other sources."28

The Committee wanted to implicate Moseley in the right-wing propaganda network, but he steadfastly denied taking part in any such activities. Although Moseley had shown or discussed the reports with others, he did not believe that his actions amounted to "disseminating propaganda." It quickly became apparent that Moseley and the Committee had different ideas about the meaning of dissemination. Campbell told Moseley not to show the reports to anyone, but he did permit the general to discuss their contents. Moseley, therefore, consulted with the G-2 section of the War Department and with General Malin Craig on three different occasions, the latest being within the same month of his Dies Committee appearance. But Moseley was on safe ground with these

27 Ibid., pp. 3570-3571, 3574, 3691-3692.
28 Ibid., pp. 3548-3551.
actions. He was not disseminating the reports, but seeking advice from authorities.29

Moseley swore that he never disseminated the reports, but Deatherage had already asserted that it was Moseley who first showed them to him. For his part, Moseley claimed that he believed Deatherage had already been receiving the reports when they began discussing them. When Whitley told him that

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29 Ibid., pp. 3548-3551. Moseley’s testimony is replete with instances in which he insisted that his actions did not constitute dissemination of propaganda. For example, Moseley denied having an arrangement with Campbell to distribute his speeches, although he admitted that he gave Campbell copies with the understanding that they were being mailed “to every loyal contact that [Campbell had] in this country.” Nor was he aware, he said, that when Campbell mailed copies of his speeches they were accompanied by those of Father Coughlin and Gilbert’s reports. Hearings, Testimony of George Van Horn Moseley, pp. 3643-3644, 3646, 3650, 3652. The Committee also confronted Moseley with evidence that Pelley and Allen Zoll, another well-known anti-Semitic propagandist, had distributed his speeches. The general was aware that on at least one occasion Pelley had distributed 5,000 copies of one of his speeches throughout the country and Zoll had distributed copies of the same speech in New York City. But despite pressure from Whitley, Moseley refused to admit that he had seen Zoll’s literature. He also claimed he did not know enough of Pelley’s organization to state whether the Silver Shirts could be categorized “patriotic.” Moseley was familiar with Pelley’s literature, but believed he distributed it as an individual, not as leader of the Silver Shirts. He had seen enough of Pelley’s material to know he was anti-Semitic, but did not object to Pelley’s printing his speech because to do so would be rude since Pelley believed he was doing Moseley a favor. Hearings, Testimony of George Van Horn Moseley, p. 3683. Although confessing to occasionally receiving literature, Moseley continued to maintain that he never disseminated any. Whitley presented the witness with his letter to a James Wilkerson. In it, Moseley bemoaned the lack of press coverage on “the enemies within our gates,” and said that he was enclosing four reports containing information “frankly stated and authentic.” Moseley acknowledged writing the letter, but claimed not to recall which reports he sent. He also denied that the letter proved he disseminated propaganda. “That is a personal letter answering a question put to me,” he explained. “[W]hen a man would write me...about some national question and I had something that I thought answered it, instead of my trying to figure it out myself, I would send [reports written by others].” In Moseley’s mind, disseminating propaganda meant utilizing some systematic method of distributing materials. On further questioning by Dempsey, Moseley admitted that he had made no attempt to substantiate the “authentic” reports. When sending a “personal letter,” he argued, he did not feel the need to verify what he was sending. “Who is Mr. James N. Wilkerson of Kansas City?” Whitley asked. “I haven’t the slightest idea,” replied Moseley. “In other words,” Whitley continued, “this could hardly be called a personal letter....” “I am sure I have never met the man,” Moseley responded. Having made its point, the Committee moved on. Hearings, Testimony of George Van Horn Moseley, pp. 3562-3566.
Deatherage’s testimony contradicted his, Moseley began to backtrack, claiming that he never gave the reports to Deatherage but had simply referred to “one or two incidents” mentioned in them. When Whitley countered that Deatherage claimed he was shown a trunk-full of thirty-five or forty reports, Moseley conceded that he had fifteen or twenty in a trunk while maintaining that he could not recall showing them to Deatherage.\textsuperscript{30}

Although he denied actively participating in the right-wing propaganda network, Moseley believed that the nation was facing a crisis brought on by the depression, subversive activities and the Jewish effort “being made from coast to coast today to get us involved in war.” He tried to distance himself from the unsavory methods and rhetoric of the right-wing groups that wanted to recruit him to their cause, but continually described them as “patriotic.” Asked to define “patriotic,” he explained, “I call them ‘patriotic’ if they stand for this Republic and want to see it continue.” Yet he also greed with Whitley that some of these organizations were “rackets, pure and simple.”\textsuperscript{31}

As he would throughout his appearance, Moseley disclaimed right-wing methods while simultaneously insisting that their presence was made necessary by Communist activity. As it had done with Deatherage, the Committee, in this instance, Voorhis, tried to make the witness understand that it had a duty to oppose propaganda from both the left and the right. Moseley countered that he had seen the Committee’s 1938 Report and that the vast majority of it was devoted to subversives on the left. “That is a fact,” Voorhis agreed. “Yes; that is a fact,” Moseley repeated. “The disease started on the left—the antitoxin is on the right.” To that end, Moseley supported all right-wing organizations, including

\textsuperscript{30} Ibid., pp. 3658-3659.
\textsuperscript{31} Ibid., pp. 3572-3573, 3601-3602.
the German-American Bund, insofar as they would "sustain our democracy" by opposing communism.32

The key difference between Moseley’s position and that of the so-called "patriotic" organizations was that he believed the Communist menace could be controlled through legal and constitutional means. He rejected Voorhis' suggestion that he wanted the American people to "throw ourselves into the hands of ... the extreme right in order to protect ourselves from the left." Instead, Moseley believed that the matter "ought to be handled in five minutes from the White House." If he were in charge, Moseley asserted, he would dismiss every Communist working for the government and every person giving them "aid and comfort." But primarily he would "release the United States Army from the present position which it is in," by which he meant that he would order the military to investigate the "enemy within our gates." While insisting that he was not criticizing the president, Moseley noted that the Army had been conducting such an investigation until Roosevelt ordered it to stop.33

Moseley had already presented his views on how to put a halt to American communism in a Saturday Evening Post interview, to which the Committee now turned. The nation was facing a crisis, Moseley had told his interviewer, but the government could resolve the emergency through a plan of "martial law without dictatorship." He advocated electing a president who was unafraid to take decisive action. Once elected, the president would call the governors of each state to come to Washington where they would be convinced—"as forcibly as may be necessary"—of the need to declare martial law. After gaining the governors' consent, the president would order the Army and the National Guard to "thoroughly clean" the nation of Communists and sympathizers. Because laws

32 Ibid., pp. 3577-3579, 3595.
33 Ibid., pp. 3578-3580, 3598.
were already in existence that would enable the president to take such action, Moseley believed that this method was preferable to some of the plans advocated by the extreme right.34

Because the Committee had no direct evidence of Moseley’s participation in Deatherage’s plan to build a right-wing confederation, the only wrong-doing of which Moseley could be accused was an over-zealousness in his willingness to resort to martial law. With no legal recourse against the general, the Committee could only attempt to discredit him in the eyes of the public. Proving that, contrary to his denials, Moseley was anti-Semitic, was a relatively simple task. Whitley had merely to read from copies of his speeches. The Committee used Moseley’s own words to discredit him while at the same time underscoring the unreliable nature of his sources of information.

In one speech, Moseley accused Jews of pulling Europe and the U.S. into another world war in order to “establish Jewish hegemony throughout the world.” In this effort, Moseley said, Jews had the full support of “the man in the White House.” When Healey asked for the source of this charge against Roosevelt, Moseley asserted that it came from someone who had heard a Jewish speaker make the claim. Although this hearsay was the type of information on which the Committee had relied in the past, it now took Moseley to task. Moseley said that he tried to verify the information from “other sources” which included circulars, in this instance, one from the American Rangers. “Has it ever occurred to you, General,” asked Whitley, “that a lot of this information that goes out in circular form and is distributed by some of the notorious anti-Jewish organizations is not correct?” “I believe that might be the case in some of these cheap circulars that you see on the street, but I don’t believe it is the case in serious-minded patriots

34 ibid., pp. 3622-3625.
ever," Moseley answered. But Whitley wondered how he was able to distinguish between serious-minded patriots and ordinary anti-Semites. Moseley acknowledged that some of the reports he received from the Trues or the Edmondsons might "make a mistake in judgment," which was why he only took the direct quotes to be true. Whitley observed that the direct quotes might also be lies, but Moseley insisted that the information which he repeated must be correct because he had never been accused of making false statements.35

Dissecting Moseley's speeches and letters was a simple and effective means of destroying his credibility. Moreover, because Moseley had provided the speeches and was present to take questions, the Committee was not forced into its former method of relying on hearsay or unverified reports to prove its case. "Over 2,000 years of recorded history show clearly," Moseley wrote in one speech, "that the traits which have made the Jew unwelcome in every place he has been domiciled cannot be bred out." "You don't think." Whitley asked, "that that statement indicates any anti-Jewish feeling or sentiment on your part?" "No," Moseley answered, "I believe in watching our breed in America very carefully."36

The Committee's final task was to connect Moseley to a broader coalition of right-wing groups. On several occasions, Whitley read from a list of

36 Ibid., p. 3607. Some of Moseley's statements highlighted by the Committee included accusing Jews of cowardice by creating wars then refusing to fight, claiming Roosevelt coddled communism by appointing a Communist, Felix Frankfurter, to the Supreme Court, that Roosevelt wanted the country to enter the European war in order to gain re-election in 1940, and that Jews were entering the country illegally. The Committee quoted a letter from Moseley to Campbell in which he expressed admiration for Hitler's views on "Jews and their International intrigue." Moseley told the Committee that he was not in complete agreement with Hitler on all issues, but he admired the way Hitler handled the German economy and the fact that "he has solved [Germany's] racial problem." Moseley appreciated that Hitler had given Germany back to the German people, but when asked about specific policies such as the confiscation of Jewish property, he refused to comment directly. Ibid., pp. 3590-97, 3606-07, 3650-52.
propagandists, asking Moseley if he knew of or received literature from any of them. Moseley denied knowing most of the names that Whitley mentioned, but he acknowledged receiving unsolicited material from Robert Edmondson, True, and Pelley. He had also been invited to speak on the same bill as Father Coughlin and at a Bund gathering. Moseley was not averse to appearing with Coughlin, but the event never materialized. He had also delivered speeches to the republican Party, the Sentinels of the Republic, the American Legion, and the Women’s Council of National Defense. On the other hand, although he had already stated his general approval of the Bund, he said he refused to address its gathering.37

The Committee next attempted to tie Moseley to right-wing organizations on both coasts. About six weeks prior to his testimony, Moseley attended a gathering at the Long Island home of a Mrs. Rudyard Uzzell, who he described as a “fine patriot.” This meeting, which the Committee believed was for the purpose of organizing a right-wing confederation, would come up repeatedly throughout its investigation of the extreme right. Although it had taken place less than two months earlier, Moseley claimed to recall few details of the evening. He said that initially he was under the impression that he was to meet with Uzzell alone. But when he arrived he found about forty people, including Fritz Kuhn, were already present. Moseley denied that the purpose of the meeting was to create a right-wing confederation, that he could recall any of the attendees other than Kuhn, seeing Bundists guarding the house, that the meeting was secret, or knowing that Uzzell disseminated anti-Semitic propaganda. But here, Moseley’s responses were vague and Whitley, as he often did, failed to ask the questions that might elicit more specific answers. “The only thing I know about [Uzzell].”

37 Ibid., pp. 3551-3552, 3621-3622, 3646-3649.
said Moseley, "is that she is very much interested in the critical situation in New York City...and she is just simply working from a patriotic point of view in handling that situation." Whitley did not ask to what critical situation Moseley was referring and about the nature of Uzzell's "patriotic" work. 38

Perhaps Whitley failed to ask the obvious questions because he was anticipating his next move, which was to confront Moseley with evidence that countered the version of events he had just presented. Whitley had a letter to Campbell in which Moseley discussed the gathering at Uzzell's and mentioned that "a number of important individuals will be assembled." Presented with this letter, Moseley claimed that he had simply forgotten that the gathering had been planned in advance. In the letter, Moseley said that while in New York he was planning to register in one hotel under an assumed name, then move to a second hotel the next day. Whitley asserted that these steps could be viewed as an attempt to maintain secrecy, which Moseley had earlier denied. Moseley responded that the safeguards were Uzzell's idea. "As a matter of fact, General," Whitley asked, "every precaution was exercised...to make certain...that no one knew it was being held?" "That may be correct," he conceded. 39

Moseley also had ties to individuals prominent in West Coast anti-Semitic organizations. As before, he described his associates as "patriots" while downplaying evidence of anti-Semitism. Although he had stayed at the home of Helen Jewett, was familiar with her group the American Christian Defenders, and knew her associate Leslie Fry, he claimed no knowledge of her anti-Semitic newsletters and activities. Jewett, too, wanted to create a large umbrella organization to consolidate right-wing activities. As with Campbell, Deatherage and Uzzell, Moseley claimed that he told Jewett he was not interested. Although

38 Ibid., pp. 3553-3556.
39 Ibid., pp. 3556-3562.
he said that she never again broached the subject, he admitted that while he was in California Jewett and Fry showed him a large chart illustrating the interlocking Communist directorates within the American government. The purpose was to show the concentration of power in the hands of a few Communists. Having seen the chart only briefly, Moseley claimed not to remember it in any detail and rightly challenged the Committee to call Jewett and Fry to answer its questions about the chart.40

While quick to denounce the subversive activities of leftist organizations, Moseley did not view his own actions in the same light. He therefore sought to inform the Committee of the danger to the nation presented by Communists and defend himself against charges of un-Americanism. To that end, he periodically raised the question of reading his prepared statement. Since the statement was thirty-five pages long and would take an estimated one and three-quarter hours to read, the Committee hesitated to allow it.41

Aside from its length, the Committee worried that the statement might contain “a whole lot of extraneous matters based merely on hearsay, and the authenticity of which [Moseley could not] personally vouch for the truth of to the committee.” Although he assured his inquisitors that he alone would be responsible for anything he said, Voorhis, expressing the Committee’s newfound

40 Ibid., pp. 3667-3673. While denying that he was anti-Semitic, Moseley maintained that Jews were out to get him. “If the Jews bump me off,” he wrote Campbell, “be sure to see that they get the credit for it from coast to coast. It will help our cause.” Whitley asked Moseley if he had any reason to believe this might happen. Moseley replied that he had received warnings from his friends that he was in danger, or would be if he traveled to certain places. “What kind of places do they warn you not to go?” asked Voorhis. “Especially restaurants: that is the reason I asked yesterday if this water was all right,” Moseley answered, prompting laughter from the audience. “I don’t trust this committee too far, you know.” Ibid., p. 3687.
41 Ibid., pp. 3617-3618.
sense of responsibility for information presented at its hearings, told Moseley, "This committee is responsible."42

The Committee was wise to hesitate given that the statement included the results of Moseley's own investigation of subversive activities. It would not allow him to present his arguments without a guarantee that they were free of hearsay and based on his personal knowledge. The Committee was hiding behind its procedural rules, Moseley charged, in an attempt to suppress the truth. "You don't want to know about the emergency—bull," said Moseley, "a lot of bull." "You didn't come here for the purpose of making a speech did you?" asked Healey. The best way for Moseley to help the Committee, Healey continued, was to answer the questions without contributing unsolicited information. "I want to do that," said Moseley, "but my name is involved." Upon the Committee's continued reluctance to allow him to read his statement, Moseley asked, "Who are you trying to protect?" "Wait," said Healey, "that isn't proper. That is not a proper attitude. The committee are trying to be fair with you, sir. Now we want to give you the opportunity to make a statement, provided you...buttress that statement with facts of your own knowledge and your own belief."43

Although Healey attempted to enforce the ban against hearsay, by allowing Moseley to offer "his own beliefs" he appeared to be reversing the Committee's rule against accepting opinion evidence. Since Moseley's opinions were at issue, however, this did not constitute a deviation from past practice. Nevertheless, Thomas correctly objected that Moseley's opinions might be formed on the basis of hearsay evidence. Moseley argued that the portions of his statement devoted to subversive activities were not based on hearsay but consisted of "quotations from authorities." This should have triggered some

42 Id.
43 Ibid., pp. 3572-3573, 3617-3618.
response from the Committee given that it had previously noted that the "authorities" to whom Moseley referred were often little more than anti-Semitic scandal sheets. In addition, while Moseley believed direct quotes were reliable sources of information, the Committee had already observed that quotations could be manufactured. As to Healey's concern that Moseley might slander innocent persons, the general replied that the Committee need only call the individuals he named to come testify—an ironic position from a man who had been complaining that the Committee smeared his name and he had not been given sufficient opportunity to defend himself. In the end, Moseley read his statement aloud and the Committee later struck it from the public record.44

Testimony before the Dies Committee regarding the alleged Jewish-led Communist rebellion and the fascist counter plot revealed that the schemes had little basis in reality. Nonetheless, the intrigue generated many headlines. Some newspapers offered negative assessments of the proceedings and the fantastic claims being made. But others, such as the New York Times, noted that while the charges were "not very convincing," they were generally useful as a gauge of the kind of "whispering campaigns of vilification [and] anti-Semitism" present within the country. The hearings also received positive press coverage from such unlikely sources as the previously hostile New Republic, which commented that at last the Committee was onto a subject worthy of investigation. The New Republic did note, however, that media coverage of the plots and counter-plots seemed to dwell longer on the alleged Jewish-Communist conspiracy than the machinations of fascists. As Dies observed to the press, whether one interpreted this phase of the Committee's investigation as unfair to either Communists or fascists depended upon the political position of the individual offering the

44 Ibid., pp. 3618-3619, 3701.
interpretation. Jewish groups were certainly concerned with the tenor of the
circumstances being made. "Every sensible American laughs at the chimera of a
'Jewish plot' unfolded at the hearings of the Dies committee," New York Rabbi
Louis I. Newman told his congregation, "...let us believe that pitiless publicity
carries a cure for the wild fantasies of fascist groups." As far as Dies was
concerned, both plans were to be condemned. "[T]he Committee is espousing
only one form of government," said Dies, "the American form." 45

Regardless how the public interpreted the substance of these plots and
counter-plots, it was clear that the Committee had finally discovered how to
conduct a hearing. Armed with information collected by its investigators and
through the use of subpoenas, the Committee was no longer reliant on
unsubstantiated information gathered by patriotic organizations. The very fact
that the Committee was beginning to subpoena the individuals who were the
subjects of its inquiries, rather than hearing second-hand accounts about these
individuals, reduced the instances of hearsay. Although Committee members
still challenged witnesses with whom they disagreed, they rarely displayed the
hostility and contemptuousness that had marred the previous year's proceedings.
Dies' claim that the Committee's excesses in 1938 were due solely to a lack of
sufficient funds appeared to be validated. With this success behind it, the
Committee looked forward to continuing its assault on domestic fascism and its
exposure of the men on horseback.

After this opening session in late May and early June 1939, the Committee
held no public hearings until August. While Dies was home in Texas recovering

Sec. IV; "Dies Inquiry Lets General Moseley Wait," New York Times, May 26, 1939, p. 8;
"Rabbis Felicitate New Archbishop," New York Times, May 28, 1939, p. 7; Ogden,
The Dies Committee, pp. 120-121.
from an appendectomy, Committee investigators continued work. By the middle of August, Dies was ready to resume public hearings, and announced that he had 110 potential witnesses ready to testify. His plan was to hold a series of hearings continuing the investigation into fascist activities, to be followed by hearings devoted to communism. The Committee was then to head west, to probe subversive activities in California. Finally, previewing the fall hearings, Dies stated that the Committee would investigate foreign propaganda in the United States originating from the European nations now on the verge of war. Dies' announcement indicated that, unlike the previous year, the investigation was progressing in an orderly, organized fashion.46

But while Dies attempted to present a picture of an efficiently run investigation, the political divisions on the Committee that were evident in 1938 continued. Although there had been no public clashes between Voorhis and his Committee colleagues during the first round of hearings, it became obvious that tensions existed after Parnell Thomas made public his belief that the Roosevelt Administration was still throwing roadblocks in the Committee's path—the primary obstacle being Voorhis. Thomas publicly complained that he had heard that some unnamed persons on the Committee had talked of discontinuing the investigation, and he objected to Voorhis' request to postpone the next hearings for nine days. Voorhis had only recently gone home to California after a busy seven-month congressional session. To Dies, Voorhis explained that while the Chair had been in Texas for the last two months resting, he, Voorhis, had hoped for a little more time before having to return to Washington and resume hearings. Thomas interpreted this as a "below the belt" strike at Dies.47

In its inaugural hearing of 1938, the Dies Committee heard John and James Metcalfe’s and Gissibl’s testimony concerning the German-American Bund, then set the issue aside for the remainder of the year, for the Bund did not then rate high among Committee concerns. The Bund’s Fuehrer, Fritz Kuhn, was, however, sufficiently concerned with the negative publicity to initiate one of the Bund’s periodic “Americanization” campaigns. At the Bund’s 1938 national convention, which opened on September 3 at New York City’s Turnhalle, the delegates discussed the organization’s financial troubles and difficulty in attracting new members. They gave Kuhn a vote of confidence despite these problems and drafted a new eight-point “American” program. Intended to attract new members by reassuring the public that the Bund was not simply a National Socialist organization controlled by Germany, the program included several anti-Communist points, and called for “A socially just, white, Gentile-ruled United States,” with “Gentiles in all positions of importance.” Although the eighth point advocated a “return of our Government to the policies of George Washington,” the anti-communism, racism and anti-Semitism present in the remainder of the document smacked too much of National Socialism to do anything but deepen suspicions. The Bund further harmed its reputation when it later hailed the results of the Munich conference and defended Germany’s Kristallnacht pogrom against Jews in November 1938. Bund gatherings began to draw angry crowds. Bundists were attacked travelling to and from meetings.48

Undeterred, in February 1939, the Bund organized a massive “Pro-American Rally” at Madison Square Garden to celebrate George Washington’s birthday. Twenty thousand Bundists crowded the Garden. Uniformed Ordnungs-Dienst (OD or Orderly Division) contingents lined the aisles. A huge portrait of

48 Canedy, America’s Nazis, pp. 189-194.
Washington and American, German, Italian, and Bund flags adorned the stage on which the organization’s leaders praised the United States while spewing anti-Semitism and warning of the dangers of racial mixing. Meanwhile, in the street outside the Garden, 2,000 police officers kept some 100,000 anti-Bund protestors at bay. The ensuing media furor was a public relations nightmare for the Bund. The following month, New York Mayor Fiorello LaGuardia and District Attorney Thomas E. Dewey opened an investigation into the sales taxes that the Bund paid on the Nazi goods it sold. Dewey’s agents swept into the Bund headquarters and confiscated all the organization’s records. Based on this information, Dewey abandoned the sales tax issue, but in May 1939 convinced a grand jury to issue an indictment against Kuhn for misappropriating $14,548 of Bund funds. At the Bund’s National Convention in July, the delegates, again retaining Kuhn as their leader, determined that he had done nothing wrong. Operating under the fuehrerprinzip (leadership principle), the delegates concluded that Kuhn could use the organization’s money any way he saw fit. The Bund’s money was Kuhn’s money, and he could not, therefore, be guilty of theft. Regardless, the relentless pressure was taking its toll. Membership declined rapidly; particularly troubling was the loss of members in leadership positions. Because of its heavy reliance on the leadership principle, with the loss of these elder members, one scholar noted, the Bund began to “crumble from within.”

These were the circumstances in which Fritz Kuhn found himself when he was called to appear before the Dies Committee in October 1939. By this time he was a well known, frequently ridiculed, and often despised public figure. Despite Dickstein’s best efforts to expose Nazi activities in the U.S., the press

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49 Canedy, America’s Nazis, pp. 195-200.
and public had paid Kuhn little mind until he became Bundesfuehrer. In the three years that Kuhn led the Bund he was a lightning rod for publicity, both positive and negative. Whereas the Friends of New Germany had been comprised primarily of German nationals, during Kuhn’s tenure the Bund drew into its ranks greater numbers of German-Americans than had previously been imagined possible. But Kuhn’s craving for the spotlight and tendency toward hyperbole made him someone around whom anti-German sentiment centered. While the Friends had been riven by internal conflicts and lacked a clear direction, under Kuhn the Bund became an aggressive and militant organization. Kuhn believed fervently in National Socialism not just for Germany, but for the U.S., as well. He admired Hitler and aped many of the Fuehrer’s characteristics and Third Reich propaganda techniques. From his black jackboots to his Sam Browne belt, Kuhn was never out of uniform. Although he did not object when the Committee referred to him as the president of the Bund, he preferred the term bundesleiter or bundesfuehrer. A skilled self-promoter, Kuhn was often pictured in New York society columns with a beautiful woman on his arm. Kuhn was also a master of the art of propaganda. In addition to the Madison Square Garden rally, he organized large gatherings at the Hippodrome and Ebling’s Casino, featuring a stage draped with American flags and swastikas, large portraits of Hitler and Washington, and uniformed Bundists at attention. Bands played while rowdy crowds sang Deutschland uber Alles, gave the Nazi salute, and cheered and stomped. Kuhn loudly announced his devotion to Hitler and his belief that Germany would provide the example of National Socialism that the United States and the rest of the world would emulate. The Bund published a newspaper, Deutscher Weckruf und Beobachter, in New York, Philadelphia, Chicago, and Los Angeles, that regularly featured anti-Semitic screeds and paeans to National Socialism. As the Bund’s activities grew and as Europe moved closer to war,
press coverage intensified. When the Committee called Kuhn to appear in August 1939, the *Bundesfuehrer* maintained his arrogant, aggressive attitude. But he was careful to censor the content of the information he tendered.\(^50\)

Kuhn’s appearance provided the Committee an opportunity to question him on some of the issues raised by the Metcalfe brothers and Gissibl in the 1938 hearings. In particular, the Committee wanted to prove that the German government exerted a strong influence on the Bund. Three months earlier Kuhn had praised the Committee for focusing attention on the Jewish-Communist machinations against the government. Before a large Bund gathering at Camp Siegfried in Yaphank, Long Island, Kuhn announced that the Committee’s May hearings proved that the country was finally “waking up” to the threat of communism. This was, of course, a self-serving interpretation of events given that the Committee clearly believed the alleged Communist plot had been invented by fascists to forward their own cause.\(^51\)

Kuhn had no illusions about the Committee’s opinion of his group. The Bund had been one of the highest-profile targets of congressional inquiries since Dickstein first began his crusade in the early ‘30s. Kuhn was, therefore, hostile to the Committee and in ill temper the entire length of his two-day testimony. He offered few new insights and had no access to his organization’s records, which were still in the possession of the New York District Attorney’s office. During his testimony, Kuhn attempted to portray the Bund as a patriotic organization, seeking only to unite German-Americans into a politically conscious group, fight communism, form a political party, and help combat what Kuhn described as

\(^{50}\) Diamond, *The Nazi Movement in America*, pp. 203-208; Bell, *In Hitler’s Shadow: The Anatomy of American Nazism*, pp. 29-31. Although he was always careful not to advocate Nazism for the United States, during his testimony Kuhn did readily express his admiration for Hitler and what Hitler had achieved in Germany. *Hearings, Testimony of Fritz Kuhn*, p. 3811.

"lies, lies about Germany." But his main goal seemed to be to addle and fluster his inquisitors as he expressed a series of contradictory statements that stacked lies on top of lies.52

Part of the Committee's difficulty in dealing with Kuhn may have been a language barrier. English was Kuhn's second language and he spoke with a heavy German accent. But another part of the problem was a failure of the part of Committee counsel Whitley to ask questions that would force Kuhn to clarify his statements. Kuhn's combative attitude also illustrated another potential problem faced by all investigating committees—the stonewalling witness. One common complaint about the Committee's first year of inquiry was that it relied on so-called expert witnesses, rather than subpoenaing the leaders or members of the organizations under investigation. But calling a Fritz Kuhn to testify was no guarantee that the Committee would receive more accurate information than it could get from an expert or an informer like Metcalfe, especially when, as in Kuhn's case, the witness was willing to lie under oath. On the other hand, by directly confronting the witness, a skilled interrogator might be able to trip him up and catch him in a lie. Often the Committee was unable to penetrate Kuhn's wall of denial. But in many instances it successfully pressured him to admit the truth. In the end, the Committee learned nothing new from Kuhn's appearance, but every admission he made about the pro-Nazi, anti-Semitic bias of his organization, further diminished the Bund's prospects for survival.

Dies began by announcing that the Committee had adopted two resolutions in executive session. The first authorized the Chair to appoint a subcommittee to hold hearings and receive testimony whenever necessary.

Although the Committee's previous use of subcommittees of one had been criticized, it was impractical to require all members to be present at all hearings. The second resolution involved the decision to jettison the extensive use of executive sessions. Henceforward all hearings would be public unless an executive session was deemed necessary and agreed to by a majority vote of the full Committee. Executive sessions, which had been a major part of the Committee's public commitment to improved procedures, therefore, did not survive past the May hearings on the Moseley-Deatherage plot. Utilizing executive sessions was a time consuming process, especially now that the Committee had a larger staff of investigators for interviewing witnesses under oath—similar to taking depositions—in advance of their public testimony. In Kuhn's case, Rhea Whitley had interviewed him in New York the previous March. Kuhn had been much more forthcoming with the Committee counsel during the initial interview than during his public testimony.53

Throughout the hearings, Kuhn's statements contradicted those of his March interview. Whitley had merely to confront the prevaricating witness with the discrepancy by reading from the March transcript. Although having Whitley or an investigator conduct a pre-hearing interview did not prevent witnesses from publicly presenting false information, it proved to be a very effective method for handling what Starnes termed "the memory, or convenient memory, of the witness."54

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53 *Hearings, Testimony of Fritz Kuhn*, pp. 3705, 3813.
54 *Id.* Kuhn's trouble remembering any financial details of the organization prompted Starnes to move that Kuhn be ordered to provide the Committee with names of officers and local leaders who had the information the Committee sought. Kuhn's reply was that if the Committee wanted the information, it had merely to call the FBI. This immediately got the Committee's attention. Regardless of how much they have suspected Kuhn had been lying to them, they were all interested in what he had to offer about the FBI and whether the FBI was presently investigating the Bund. Relations between the Dies Committee and J. Edgar Hoover and the entire Justice Department were unfriendly. Testimony of Fritz Kuhn, p. 3813.
With Whitley conducting the questioning, Kuhn’s testimony began, as did that of most Committee witnesses, by providing a basic biographical profile. Born in Munich in 1896, Kuhn had served in the German infantry in the World War, but, unable to find work in the ravaged German post-war economy, had relocated to Mexico in 1923, then to the United States in 1927. A chemical engineer, Kuhn worked for the Ford Motor Company in Detroit for eight years. He became an American citizen in 1934, but remained active in German-American organizations. He never joined the Teutonia Association, but did join the Friends of New Germany (FONG) in 1933, becoming its Midwestern Department leader in 1935. In addition to being the current president of the Bund, Kuhn headed the German-American Business League, the A.V. (Amerikadeutscher Volksbund) Publishing Corporation, and the A.V. Development Corporation. In response to a question from Whitley, Kuhn also unapologetically admitted that he had been arrested once in New York for “drunkenness and profanity,” and once in Massachusetts for grand larceny.55

All this was true, with the possible exception of his employment at the Ford Motor Co., of which Ford had no record.56 Surprisingly, the Committee did not inquire deeply into his Nazi activities while he was still in Germany. After the war, Kuhn had returned to Munich where he joined the Freikorps, under Major-General Ritter von Epp, and battled against Communists and Socialists in his hometown streets. In 1921, the year Kuhn enrolled in the University of Munich to study chemical engineering, he also joined the NSDAP. Although Kuhn alluded

56 This discrepancy regarding Kuhn’s employment at Ford was not uncovered by the Committee, but by historian Sander Diamond. Later chroniclers of the German-American Bund, however, have not addressed this issue. They have merely reported that Kuhn worked for Ford and that he probably felt at home due to Henry Ford’s notorious anti-Semitism, without questioning the truth of this statement. Diamond, The Nazi Movement in the United States 1924-1941, pp. 211.
to some of these events, he was vague about his activities in the Freikorps, never mentioning the group by name. As for his participation in the NSDAP, Kuhn testified that he had not been active in the party before he left Germany. When asked whether he had any "definite political affiliations," Kuhn replied, "Political relations; no. I fight the Communists there. I was in that revolution in Munich, active, of course, with officers of my old regiment. But I was not a member of the...National Socialist Party." The only groups in which he had been active, he claimed, were the Reserve Officers Corps and a veterans group, the Steel Helmets. Although he would later boast that he was forced to leave Germany because of the role he played in the abortive 1923 Beer Hall Putsch, when asked about this by the Committee, Kuhn said that his papers proved he had already left Germany for economic reasons by that time. Unable to enter the United States due to the immigration quotas, Kuhn, as noted, worked in Mexico for five years. When he was finally allowed to enter the United States, Kuhn crossed the border at Laredo, Texas, made his way to New York, and from there to Detroit. In 1933, ten years after leaving Germany, Kuhn joined the Friends, beginning his public career.57

Once the Bundesfuehrer's biography was sketched out, the Committee turned to more substantive matters. The Metcalfes and Gissibl had testified the previous year that the German-American Bund's public purpose of celebrating German culture and improving relations between it and the United States was merely subterfuge. In reality, the Bund was an anti-Semitic organization that advocated a National Socialist form of government in the United States. They had also testified that the uniformed division of the Bund, the OD, was patterned

57 Diamond, The Nazi Movement in the United States 1924-1941, pp. 211-212; Canedy, America's Nazis, pp. 77-81; Hearings, Testimony of Fritz Kuhn, pp. 3712, 3786-3787.
after Hitler's Stormtroopers and its members were trained so that in the event of
war they could return to Germany to serve in the military, or remain in the U.S. to
act as saboteurs. Other topics touched on were the allegedly close relationship
between Kuhn and Hitler, Kuhn's claimed power to remove German consuls, and
the relationship between the Nazi organization responsible for foreign
propaganda—the German Foreign Institute (Deutsches-Auslands Institut or
DAI)—and the Bund. Finally, the witnesses in the 1938 hearings on the German-
American Bund had discussed the effort to propagandize children in summer and
week-end camps. Although the Committee could hardly have expected Kuhn to
admit the charges made against the Bund in 1938, Kuhn's appearance offered
an opportunity to confront him with the information gleaned from these earlier
witnesses and gauge his response.

Whitley began by asking Kuhn to describe the Bund's origins and basic
organizational structure. He was a Local Unit Leader for the Detroit branch of the
Friends of New Germany when the organization, Kuhn said, "...was dissolved
and a new organization was formed and created, absolutely new because in the
German-American Bund there are only American citizens that can be members."
This statement contradicted testimony heard in 1938. Kuhn's use of the passive
voice in his statement that the Friends of New Germany "was dissolved" was
probably intentional since he understood that the Committee wanted to prove
that the only difference between the Friends and the Bund was a name change,
and that the organization took orders from a foreign government. The Bund,
Kuhn explained, was not the successor to the Friends. It was a completely
separate organization that came into existence after he called a national
convention to meet in Buffalo, New York, in March 1935.58

58Hearings, Testimony of Fritz Kuhn, pp. 3709-3710, 3725.
At issue was the October 11, 1935 edict from the German Foreign Ministry ordering all German nationals out of the Friends of New Germany. The leadership of the Friends had fought the edict, but failed. Since most members of the Friends were not yet U.S. citizens, the resulting exodus left the organization in tatters. Kuhn denied ever seeing a written order from Germany, although he acknowledged having heard talk of the order and having read about it in the newspaper. Nevertheless, he insisted that the order had nothing to do with his group. Here Kuhn employed the technique he would rely on throughout the hearings. He offered disordered and conflicting statements that so muddled the Committee that it was unable to sort the truth from the lies.59

Kuhn began by stating that the 1936 Buffalo convention that created the Bund had established the requirement that each member be an American citizen. Whitley reminded the Bundesfuehrer that when he gave his original statement in New York, he said that the American citizenship requirement had come from Germany through the German consul in the United States. Kuhn insisted that he had heard of the order from others only after “we had taken action first.” Kuhn then asserted that he had first suggested excluding German nationals from the Friends of New Germany at a convention in Philadelphia in 1935. Again, Whitley reminded the witness that in his New York interview he said that he had provided the German consul with the names and addresses of German nationals who were members of the Friends of New Germany. Whitley believed that he had provided the names on orders from Germany. When Kuhn answered that he had cooperated, Whitley asked, “Well then as a matter of fact, Mr. Kuhn, what happened was that order which caused you to eliminate non-citizens from the new organization came from Germany?” “Absolutely not,” Kuhn answered, “They

did just what I tried to emphasize at the organization, but the order did not come from Germany until afterward."60

In this exchange, Kuhn discussed two different conventions, one at Philadelphia in 1935, and one at Buffalo in 1936, but he then dropped the identifiers and spoke only of a "convention." In doing so, Kuhn confused the Committee about the sequence of events, for it was unclear to which convention he was referring. If he was claiming that the Bund excluded German nationals at the September 1935 Philadelphia convention, then his group had acted before the German order. If they did not act until the March 1936 Buffalo convention, the German order predated the Bund's actions. But it was impossible to determine the sequence of events based on Kuhn's testimony. No Committee member asked questions that might clarify his explanation. More than likely, Committee members were unable to keep the dates in question straight in their own minds and were simply confused by Kuhn's explanation. It was not uncommon for witnesses to give vague replies for which the Committee never sought clarification. Asking pointed questions designed to elicit specific answers is an art that lawyers perfect over the course of their careers. Although Whitley's presence as Committee counsel improved the overall quality of the interrogations, the hearing transcripts are nevertheless peppered with inexact and contradictory replies.61

Returning to Kuhn's delivery to the German consul of the names of German nationals who were members of the Friends of New Germany, Dies tried again to determine why Kuhn felt it necessary to provide such a list if he never received any order from Germany. Kuhn first claimed that he assembled the list out of "politeness," but then explained that he wanted only American citizens in

60 Id.
61 Id.
the Bund because he wanted the organization to be politically active and that meant he needed members who were able to vote. He was also concerned that the presence of foreigners in his organization would garner negative publicity. "[A]t that time," Kuhn explained, "Mr. Dickstein was raising hell down here in Washington and making statements about foreign citizens, and I said we wanted to get these men out." But this still did not explain why he gave the names of German nationals to the German consul. "In other words," said Dies, "you thought [the consul] had some power to get them out of the organization?" "Well I don't know what power he had, or what action he could take," answered Kuhn, "you would have to ask him or the German government how much power he had." "But you evidently thought he had some power when you went to him, did you not?" Dies continued. Kuhn answered simply, "no," and Dies let the matter rest.62

Although it was possible that Kuhn did not know the extent of the German consul's power, the fact was that the consul could remove German nationals from the Friends and its successor, the Bund. The October 1935 order stated that any German national who did not leave the Friends of New Germany would have his passport confiscated and German citizenship revoked. The German consuls were given the responsibility for enforcing the order. Kuhn was most likely assisting in this task by providing names when asked.63

In this instance, the Committee was unable to force an admission from Kuhn that Germany had ordered foreign nationals out of the Friends of New Germany. This important point directly related to the issue of the level of foreign control over the Bund and its predecessors. Despite Kuhn's contrary assertions,

63 Id.
the Bund was a successor organization to the Friends of New Germany. Both were modeled after the NSDAP, and both accepted direction from the German government. In 1933, German officials were split over how best to handle the issue of German-Americans. Those who opposed a bund (i.e. party) movement did so out of fear that a Nazi presence in the U.S. would strain relations between the two countries. In the end, the faction arguing that an Americanized German movement would strengthen relations between the two countries won the initial approval of the German Foreign Ministry—on the condition that the Friends begin an Americanization campaign.64

Much of the NSDAP's hesitation was due to negative publicity produced by the anti-Semitic activities of the Friends' *Bundesleiter*, Heinz Spanknoebel. As part of the effort to Americanize the Friends of New Germany, the NSDAP replaced Spanknoebel with Fritz Gissibl. Regardless of the change in leadership and the Americanization campaign, the Friends of New Germany had become a primary target of the McCormack-Dickstein Committee. Kuhn was telling the truth when he testified that Germany's eventual move to disassociate itself from the Friends was based in part on the negative publicity created by the McCormack-Dickstein investigation. The public's discomfort with the Nazi activities exposed by McCormack-Dickstein was exacerbated by the fact that 60% of the membership of the Friends were not American citizens. To maintain good relations with the U.S., Germany knew that it would have to stop the political activities of these German nationals. Even Rudolf Hess, who had supported the bund idea, came to believe that if diplomatic relations were to

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64 Diamond, *The Nazi Movement in the United States*, pp. 127, 131-132. Rudolf Hess was among those who argued that Germany should support and sponsor a broad-based bund (party) movement in the U.S. that was sympathetic to the NSDAP. Josef Goebbels opposed a bund movement, arguing instead that Germany should aim a propaganda campaign at the myriad German-American organizations to gain support for the NSDAP. Diamond, *The Nazi Movement in the United States*, pp. 131-132.
improve, something had to be done about the group. Hess, therefore, through the German Foreign Ministry, issued the order banishing German nationals from the Friends of New Germany in October 1935. The Foreign Ministry understood that most of the membership of the Friends, as well as its leadership, were German citizens. By ordering their removal, the Foreign Ministry intended the death of the Friends of New Germany.65

If the purpose of the October order was to destroy the Friends of New Germany, the plan failed miserably. In November 1935, Gissibl appointed Kuhn the Friends’ interim Bundesleiter. That winter, due to the October order, the organization suffered the loss of much of its membership. Kuhn, meanwhile, solidified his position by shoring up his power base. In accordance with the Fuehrerprinzip, he assumed total control of the organization. This included the OD, which he likened to the SS, requiring its members to take an oath of loyalty to him. He resisted calls among his colleagues to disband the OD for fear that it attracted too much negative attention. Kuhn did, however, change the OD uniform to make it look more American. Finally, Kuhn surrounded himself with trusted associates, creating a tight leadership circle centered around him. At the Friends of New Germany’s final convention, March 29, 1936, Kuhn announced that the Friends no longer existed and ask for a vote on a new, less German-

65 Canedy, America’s Nazis, pp. 51-54, 63-66; Diamond, The Nazi Movement in the United States, pp. 121-127, 131, 133, 175-161, 175-176, 185-190. In October 1933, Spanknebel’s anti-Semitic and pro-Nazi activities prompted Dickstein, in his role as Chair of the House Committee on Immigration and Naturalization, to request his deportation on the grounds that he had not registered with the State Department as a foreign agent. The Justice Department issued an arrest warrant, but Spanknebel left the United States before any action was taken. With Spanknebel gone, individuals within the Friends fought over who would be his successor. Although Spanknebel had handpicked his successor, Ignatz Griebi, Hess feared he could not control Griebi, so he made Gissibl, a loyal party functionary, the new leader. Canedy, America’s Nazis, pp. 51-54; Diamond, The Nazi Movement in the United States, pp. 123-126. In February 1934, Germany ordered all Nazi party members out of the Friends and forbid all Nazi party members in the U.S. to refrain from political activity. Diamond, The Nazi Movement in the United States, pp. 190-192.
sounding name, the *Amerikadeutscher Volksbund*. Members would call it the
German-American Bund, but the new name meant the American-German Bund,
signifying their status as Germans who were now living in the United States. The
convention adopted the new name and elected Kuhn its leader.††

To prove a close connection between the Bund and Germany, the
committee questioned Kuhn about his much-publicized trip to meet Hitler in 1936.
Kuhn had traveled to the 1936 Olympics in Berlin, where he presented the
Fuehrer with $3,000 in cash for winter relief, and a "golden book" containing the
signatures of each of the Bund members. While in Germany, Kuhn also met with
the American Ambassador, William Dodd, to introduce himself and ensure that
Dodd was not bothered by the Bund's presence. Kuhn then sought a parade
permit, and as part of the Olympic festivities, marched his uniformed contingent
through the streets of Berlin. As for the meeting with Hitler, Kuhn asserted that
no one had arranged it, he merely presented himself at Hitler's office, stated that
he represented an American group, and was allowed an audience with the
Fuehrer. His conversation with Hitler, Kuhn promised, was confined to an
exchange of pleasantries about the Olympic games. "That is all he asked you?"
asked a disbelieving Starnes. "That is all," said Kuhn, "Why don't you bring Mr.
Hearst here and ask him about it? He was there, too." Starnes pointed out that
Hearst was not in Germany to give Hitler money. "Oh, no: he did not," Kuhn
sarcastically replied. "Where is this half million dollars in gold coming from?" he
asked, referring to rumors that Hearst was supplying money to Germany. Kuhn's
restrained description of his meeting with the Fuehrer was a far cry from

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Metcalfes 1938 testimony that the Bundesleiter had boasted of a "special relationship" with Hitler.67

Since most of the Bund's papers were in the possession of the New York District Attorney's office, Kuhn had few documents to present to the Committee. This enabled him to evade a great many questions by claiming that he could not recall the information Whitley sought. Kuhns explanation of the Bund's organization basically confirmed previous testimony given by John and James Metcalfe. He said that the Bund's president or fuehrer was elected at a national convention (called by the fuehrer), attended by representatives from each local unit and district. The fuehrer would then appoint all organization national officers, as well as division leaders. The latter appointed local unit leaders, subject to the fuehrer's approval. This was an important point for the Committee, which wanted to emphasize the fact that the Bund worked on a strict leadership principle or fuehrerprinzip. As fuehrer, Kuhn held almost total control over his organization. The Committee returned to this point several times, questioning Kuhn about the degree of control he wielded over the Bund's camps in Yaphank, New York and Andover, New Jersey, and the editorial content of the Bund's newspaper, the Deutscher Weckrat. In each instance Kuhn attempted to deny or downplay his role to an obviously incredulous Committee.68

Another important point which the Committee attempted to establish with most of the groups it investigated, was membership size, which indicated the

67 Hearings, Testimony of Fritz Kuhn, pp. 3783-3785, 3773-3775. One of the issues raised with Kuhn on the second day of his testimony was why he raised the money for German relief when the Bund had members of its own who were in financial straits. The Committee's questions about how he raised the money seemed to be directed toward proving that Kuhn ran the Bund as a money-making racket. Hearings, Testimony of Fritz Kuhn, pp. 3820-3823.
68 On the Bund's organizational structure, see, Hearings, Testimony of Fritz Kuhn, pp. 3711-3712, 3722-3724; on Bund camps, see Testimony of Fritz Kuhn, pp. 3759-3765; on the Bund's newspaper, see Testimony of Fritz Kuhn, pp. 3761-3764.
seriousness of any potential threat to the nation. Also, the Committee believed that the Bund, like the Communist Party, was merely a money-making racket. It was, therefore, usually interested in a group’s membership and the dues it paid. Kuhn freely admitted that he ordered the membership list of the Bund destroyed to prevent it from falling into the hands of either the New York legislature’s McNaboe Committee or the Dies Committee. With neither official statistics nor membership lists, the Committee had to rely on Kuhn’s estimates, which he guessed was in the range of 20,000 members. This number was markedly lower than the 75,000 to 100,000 that he had given Whitley in his March interview. Kuhn claimed that the higher number he provided in March included sympathizers in his organization who paid dues but had no voting privileges. Although Whitley presented Kuhn with a passage from his own earlier New York testimony in which he spoke of the sympathizers separately, Kuhn stood by his explanation. Whitley never did pin down Kuhn on membership totals. The number of applications to the Bund was useless in determining membership size since Kuhn did not have a record of how many had subsequently left the organization. And the Bund did not keep completed application forms, a strategy to protect the members. Kuhn told the Committee, “[I]f they belong to the Bund, they lose their job, and you know it.” Records of dues paid were equally unavailing since Bundists having financial difficulties paid reduced amounts, plus the Bund’s financial records were all in the hands of the New York District Attorney.69

Kuhn was able to provide the Committee with a copy of the Bund’s constitution, which, in itself, was enough to keep the congressmen and their counsel busily engaged. Although Kuhn tried to minimize the Bund’s racial and

69 Hearings, Testimony of Fritz Kuhn, pp. 3730-3735, 3738-3739.
Nazi trappings, clauses in the document ultimately forced him to concede their existence. According to the constitution's preamble, the goal of the Bund was to unite loyal citizens of the United States "proud of their German blood, and treasuring German traditions, language, and ideals..." Article II of the constitution reflected the Bund's desire to Americanize and attempted to deflect the usual criticisms leveled against the organization. The first item listed among its "Aims and Purposes" was "above all to uphold and defend the Constitution and laws of the United States of America." Other points included honoring the flag of the United States, promoting good will between the United States and Germany, abstaining from "useless, harmful, and ignoble propaganda," and setting an example of "blameless conduct" which would generate good will toward the German people and government. But Article II also stated that the Bund was to defend the good name of Germany against "base defamation, willful and poisonous lies, and purposeful malice." Revealing the racial component of the Bund's mission, the document attributed this malice to "ill-wishing, jealous, avaricious" sources, whether from "race, people, tribe, clan, nation, association, or individual." Members were to "remain worthy of our Germanic blood, our German motherland," and membership was open only to American citizens or prospective citizens of "Aryan blood and German extraction."70

Whitley immediately seized upon the Aryan requirement. Asked for his definition of Aryan, Kuhn presented his racial theory. Aryan, Kuhn answered, meant being of the white race and excluded the "Asiatic" and "colored" races. "What do you mean by 'Asiatic races?' All of them?" Starnes interjected. "Not all them," Kuhn replied, "not so far as the Nordic race is concerned." A startled Starnes asked, "What race in Asia do you consider the Nordic race?" Kuhn

70 Ibid., pp. 3709-3715.
attempted to explain that Japanese and Chinese were part of the "Asiatic yellow race" and that there was an "Asiatic Nordic race" when he stopped mid-sentence and said, "I think I know what you want me to say; there are no Jews in the organization, if that is what you mean." 71

Although its constitution emphasized pride in being German and banned Jews from the organization, Kuhn insisted that the Bund did not support a National Socialist-style government for the U.S.. He understood that advocating Nazism for the United States was anathema. Although he acknowledged that the Bund borrowed the concepts of Aryanism and symbols such as the swastika from Germany, he steadfastly maintained that while Nazism worked for Germany, it would not be suitable for the United States. 72

Kuhn acknowledged that the Bund was anti-Semitic and that it had a political purpose, which was to fight communism. This statement prefaced one of the most remarkable exchanges of the Bundesfuehrer's appearance. Attempting to highlight the similarities between the beliefs of Hitler and Kuhn, Starnes pressed the witness:

Starnes: Is not Mr. Hitler against the Communists?
Kuhn: Aren't you against the Communists?
Starnes: Is not Mr. Hitler anti-Semitic?
Kuhn: Aren't you anti-Semitic?
Starnes: I am asking you the question. Is not Mr. Hitler anti-Semitic?
Kuhn: I suppose so, from what I hear.
Starnes: Has he not driven hundreds of thousands of those unfortunate people out of the country?
Kuhn: Have not the Communists driven hundreds of thousands of people out of Russia?
Starnes: I am asking the question with reference to the treatment of Jews in Germany.
Kuhn: That is up to Mr. Hitler, not to me. What do I have to do with Mr. Hitler? Subpoena Mr. Hitler here.

71 Ibid., pp. 3724-3725.
72 Ibid., pp. 3809, 3772-3773.
Starnes: You want to establish a party with the same position in this country, do you not?
Kuhn: That is absolutely a lie!
Starnes: Don't you call me a liar!

With that, the *New York Times* reported, Starnes leapt from his seat and lunged at Kuhn. Police officers jumped between the two men, while Dies pounded his gavel, shouting, "Sit down, Joe." This would be Kuhn's only attempt at physical violence during his testimony, but the tone and manner of these hearings continued to reflect intense animosity.73

When questioned on the purpose of the OD, Kuhn directly contradicted the Metcalfes' 1938 testimony by insisting that its function was strictly to maintain order at meetings. The OD's presence was crucial, Kuhn maintained, because in the past, brawls had erupted when Communists had attempted to disrupt meetings. Moreover, Kuhn said, the OD had never gone by the name of "storm troopers." The exchange here, sounding at times like a warped version of an Abbot and Costello routine, illustrated the Committee's difficulty communicating with Kuhn.

Dies: [The OD] are to maintain order at the meetings?
Kuhn: Yes.
Dies: That was modeled very much after what the Nazi party had in Germany?
Kuhn: Not in them.
Dies: You know they did have storm troopers in the beginning to keep order?
Kuhn: Not so long as I was in the organization.
Dies: They have the Orderly Division?
Kuhn: That is correct.
Dies: For the purpose of keeping order?
Kuhn: Yes, sir.
Dies: That is where you got the idea?

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73 Ibid., pp. 3777-3778. A constituent of Starnes' sent him a pair of wooden "brass knuckles" with which to defend himself in the event that he "get[s] into trouble with the bund." "Arms Starnes for Bund Threat," *New York Times*, September 24, 1939, p.36. The hearing transcript does not indicate that Starnes lunged for Kuhn, nor does it record Dies' shout of "Sit down, Joe."
Kuhn: Where?
Dies: From the Orderly Division in Germany?
Kuhn: There is not any Orderly Division in this league in New York.
Dies: I thought you said in the beginning the Nazi Party itself had an Orderly Division?
Kuhn: I do not know anything about that at all.

Sometimes it is difficult to discern whether Kuhn was being intentionally obtuse or whether the problem was one of miscommunication. At other times, Kuhn was clearly stonewalling the Committee. When asked whether the Bund used the Nazi symbol on its uniform, Kuhn replied that it did not, it used its own symbol: "the sun with the rays of the sun." "In other words," Dies asked, "it is the flaming swastika?" "If you want to call it that way," said Kuhn. "It is the swastika?" Dies insisted. "It is the swastika; yes," he finally conceded. In another instance, Kuhn, again contradicting Metcalfes' 1938 testimony, maintained that the OD never received any special training beyond learning to march in formation. Yet, when Starnes returned to the subject, Kuhn said that in addition to learning to march in formation, the OD received a book containing instructions. "What is that," Starnes asked, "a kind of manual, something...comparable to a training manual?" "Yes," Kuhn answered, "It is just a little book that gives all the commands, and everything in there." 74

74 *Hearings*. Testimony of Fritz Kuhn pp. 3757-3758, 3785-3786, 3800-3801, 3831. In attempting to prove that the OD was patterned after Hitler's Stormtroopers, the Committee read passages from *Mein Kampf* describing the purpose of the Stormtroopers and asked Kuhn whether that described the Bund's OD. Kuhn, of course, maintained his denial, suggesting that Dies read "what the exercises of the American Army are." The implication was that the manner in which the OD operated could be compared to any military group. Of course, this argument did not serve Kuhn well since he denied that the OD was a military group in any sense of the word nor that OD members could be considered soldiers. Testimony of Fritz Kuhn, pp. 3829-3831.
Kuhn’s description of the Bund’s week-end and summer camps also contradicted Metcalfe’s earlier testimony. The camps, attended by children and adults, were an integral part of the Bund experience. Kuhn insisted that they merely offered urban children a place in the country where they could swim, play games, and sing German folk songs. The children did wear uniforms, he admitted, like the Boy Scouts. Kuhn also acknowledged that the children received instruction in the German language, but denied providing any instruction in government or political philosophy. Moreover, Kuhn claimed that while in camp the children were allowed to speak “whatever language they see fit.” Nor were speeches written in German disseminated to the children, nor did they show German movies—with the exception of one viewed recently.75

Typically, Kuhn offered first an automatic denial, then upon further forceful prodding admitted the truth when Dies asked whether pamphlets and literature from Germany were made available at the camps. “No,” Kuhn answered. But in 1938, the Metcalfes had presented photos showing tables piled high with Nazi literature and toys, to which Dies now alluded when he asked, “You never had any of that? Do you not display those on a table? For instance, German toys and pamphlets and articles about Hitler, and so forth?” “No,” Kuhn answered again, before hedging and adding, “only on very big days, very big celebrations.” But he insisted that the Bund did not sell these items, it merely allowed outside merchants to sell them. “And you permit them to sell these various books on

Hitler and other articles?” asked Dies. “On Hitler, no; on everything else,” Kuhn answered. At this point Starnes interrupted to ask, “They sell Mein Kampf there?” Kuhn hesitated, “Well—” “All the time, do they not,” Starnes persisted. “Not all the time,” Kuhn confessed, but “sometimes.” Later in his testimony, Starnes asked whether the Bund disseminated printed material published in German. Again, Kuhn said, “no.” Dies then produced a photograph of Los Angeles Bund official George Deibel standing in front of a table laden with material written in German. “Well,” said Kuhn, “that must be an old picture.” While admitting that such literature had been distributed “years ago,” not only was that type of material no longer distributed, but it was never German propaganda, just German books.76

The change in policy that halted the sale of German language materials was probably a more recent development than Kuhn allowed. As Parnell Thomas noted to the witness, some of the Bund’s policies had changed dramatically in the previous few months due in part to the passage of state laws prohibiting the wearing of uniforms and swastikas. Thomas asked whether it was true that camp activities had recently undergone a change. Kuhn answered, “I suppose it is, but you know why.” “In other words,” Thomas continued, “you have pulled in your horns quite a bit?” “No,” said Kuhn, “we did not pull in anything, but we have to comply with the law.” When confronted with photographs of children at Camp Nordland in which swastikas were evident, Kuhn reasoned that when the King of England came to the U.S., no one complained when people

76 Id.
waved British flags. As the Committee pointed out photograph after photograph of Bund gatherings featuring prominently displayed swastikas, Kuhn took pains to note that the swastikas were always placed alongside an American flag.77

The Committee’s interrogation of Kuhn was intended to illustrate a close relationship between the Bund and Germany. In particular, Dies sought to prove that the Bund worked hand in hand with German propaganda institutions. The Committee’s suspicions were near the mark. While the German Foreign Ministry worried that the Bundist’s public demonstrations of loyalty to Germany might strain relations with the United States, promoting a sense of Deutschum (Germandom or Germanness) among Germans living abroad was a key component of Nazi philosophy. The Deutschum concept stressed that the racial bonds shared by Germans as Aryans, transcended the bonds of the state. As he explained in Mein Kampf, Hitler believed that history was the story of race and racial communities (Volker). While it was inevitable that Aryans would come to rule the world, it was first necessary to meet and defeat the challenge posed by international Jewry. To attain this goal, Hitler and the Nazi party sought to unify all Germans living outside of Germany by appealing to race and blood.78

Appointed chancellor in 1933, Hitler did not gain total control over the German diplomatic corps until 1938. Although he attempted to weaken the Foreign Ministry upon assuming office, Nazification would take time. When Hitler came to power, he inherited the staid Wilhelmstrasse (Foreign Ministry), which

77 Hearings, Testimony of Fritz Kuhn, pp. 3764-3765, 3775.
maintained the policy begun during the Weimar Republic of dealing with the United States and other nations through traditional diplomatic channels. Their efforts were expended primarily in the areas of trade, tariffs, and debt repayments. For the Wilhelmstrasse, repairing Germany’s global image and improving trade relations was of central importance. Members of the Foreign Ministry held their jobs based on their expertise in foreign relations; therefore, although they might not be party members, they were not easily replaced. In the United States, for example, the German Ambassador maintained some distance between himself and the Nazi party. By contrast, German consuls throughout the country were appointed only with NSDAP approval, and tended to be more sympathetic to National Socialism.79

Frustrated by the fact that he had not immediately consolidated his hold over the Foreign Office, Hitler implemented his racial philosophy in a separate, dual foreign policy in the United States. To promote Aryan racial unity, the NSDAP created multiple agencies, including the Party’s Foreign Organization (Die Auslandsorganisation der NSDAP, or AO), the League of Germans Abroad (Verein fuer das Deutschtum im Ausland, or VDA), the Party’s Foreign Policy Office (Aussenpolitisches Amt, or APA), and the German Foreign Institute (Deutsches Auslands-Institut, DAI, or in the Committee’s parlance, the Auslands Institute). In addition to these agencies, unofficial organizations undertook propaganda programs to reach Germans living abroad. These included the

Fichte bund and the wire service, the Welt-Dienst (World Service). Over seventy official and unofficial propaganda agencies vied for the attention of the worldwide Deutschtum by the middle of the decade. With the German Foreign Office and the agencies created by the NSDAP following separate paths, the diplomatic picture during the early years of the Third Reich was confused. The numerous agencies, whether acting in concert or alone, often conflicted with each other. Not until the appointment of Joachim von Ribbentrop as foreign minister in February 1938 did the two paths completely merge.80

The VDA, the AO, and the DAI all worked closely together, comprising what Leland Bell described as a kind of “Nazi International comparable to the Communist International.” Although Germany would eventually distance itself from the actions of the Bund and its predecessors, in 1934, the NSDAP took control of the AO, the VDA, and the DAI, and in the process, effectively seized control of the American propaganda campaign. While the Dies Committee was interested in tracking the activities of all of the German agencies engaged in “American work,” it expressed the most interest in the DAI in Stuttgart.81

Created by the German government in January 1917 as a propaganda organization, the DAI also came to be utilized as a means of establishing and promoting German business contacts and Deutschtum abroad.82 By 1934,

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80 Diamond, The Nazi Movement in the United States, pp. 26-28; Canedy, America’s Nazis, pp. 57-59; Bell, In Hitler’s Shadow, pp. 11-12; Zeman, Nazi Propaganda, pp. 63-64, 68-72.

81 Canedy, America’s Nazis, pp. 58-59; Bell, In Hitler’s Shadow, pp. 10-11; Diamond, The Nazi Movement in the United States, pp. 43-44.

82 Id. The DAI initially received financial support from business leaders who hoped that it would be converted to help market goods after World War I. As the fighting dragged
however, the DAI had placed itself at the service of the Nazi party. It began coordinating its activities with the other agencies with overseas contacts, including the VDA, the APA, the AO, and the German Student Union. The goals of the DAI remained, on the surface, what they had always been—to study Germans abroad and to instill a sense of Deutschtum in the overseas

on, however, DAI patrons began contributing directly to the war effort rather than to the Institute. After the war, the devastated German economy deprived the DAI of further funds. But eventually business leaders felt the need to repair Germany's relations with potential foreign trading partners. Hoping to sponsor an image make-over for Germany, they began once again to invest heavily in the organization. By 1922, the German government changed its position on the DAI, and, following a hotly contested Reichstag vote, began contributing to its funding. The German companies whose investments assured the immediate survival of the DAI included Kruppe, I.G. Farben, and the Hamburg-American Shipping Line. The Reichstag's vote to fund the DAI was opposed by Social Democrats who believed that its activities would lead to suspicions that Germany was attempting to revive the notion of Kulturpolitik (culture politics), which, of course, was also part of the Committee's concerns about the organization. Id.

During the inter-war period, the DAI, shaped in large part by its director, Fritz Wertheimer, gradually became committed to the concept of Deutschtum. Part of the renewed efforts of the DAI included establishing contacts with Germans living abroad. Wertheimer believed that not only would these individuals provide a ready market for German goods, but through their exemplary behavior they could generate a warmer feeling toward the Weimar Republic. Wertheimer also thought it important that Germans living abroad maintain a strong feeling for their home country, and preserve their German culture and resist assimilation. To achieve these goals, he created a Press Correspondence section in the DAI to collect newspaper articles about German communities around the world, and a card index file of every German who had emigrated to other countries since the second half of the 19th century. He asked expatriot Germans to report on their communities. The result was a massive data base in Stuttgart, that included over 140 German language newspapers, and a library on German immigration and German achievements around the world.

This database made the DAI the academic center for the study of Deutschtum. During the early 1930s, the study focused on culture, institutions, and the German language. But after Hitler came to power, the concept of Deutschtum moved beyond merely cultural concerns to include a political and racial component. When the NSDAP sought to absorb ethnic institutions like the VDA and the DAI into the party, the VDA complied, but the DAI resisted. Much of its financial base was comprised of businessmen who thought Hitler too radical, and several members of the DAI's board, including Wertheimer, who were Jewish. The DAI attempted to fight off the Nazi incursion. In 1933, a NSDAP member, Karl Strolin, was appointed Lord Mayor of Stuttgart and honorary head of the DAI. He convinced many of Stuttgart's business leaders that Hitler wanted only to restore Germany to greatness and that to do so would require DAI subordination to the NSDAP. Strolin next appointed three Nazis to the DAI
communities. But it now had a newer objective: "to enlighten all overseas Germans about the new regime." Fearing that German expatriots might resist National Socialism, the party decided to hide the fact that the DAI was now working for the NSDAP. To create the illusion that it was independent, the NSDAP appointed the chairman of the Hamburg-American Shipping Line to chair its advisory board. Moreover, over one hundred businessmen agreed publicly to support the DAI, furthering the illusion. DAI researchers renewed their study of Germans around the world, but those doing "American work" had a new plan: to create a cohesive German-American group that could exert political pressure within the United States.83

One of the reasons that the DAI had caught the Dies Committee's attention was that despite Kuhn's order that Bund officials were to destroy all correspondence with Germany, Peter Gissibl had saved some letters from the DAI to the Chicago branch of the Bund and had presented them as evidence during his hearing. But in questioning Kuhn about the DAI and other German propaganda organizations, the Committee was at times confused about which agency they were dealing with, an easy mistake to make given their large number and similar names. Kuhn at times confused the agencies, although this may have been intentional on his part. When the subject of the DAI, or as the Committee referred to it, the Ausland Institute, was initially raised, Kuhn identified it as a party organization that dealt only with members of the Nazi party. Kuhn

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was probably referring to the NSDAP's Foreign Organization, *Die Auslandsorganisation der NSDAP*, or AO. The Committee, however, was asking about the DAI, which as Starnes understood it, "tries to spread a love for German ideals and language and customs throughout the world." Kuhn replied that to his knowledge that was not the purpose of the Auslands Institute, but regardless, he knew nothing additional about the organization.84

Throughout his appearance, Kuhn steadfastly denied or downplayed the Bund's connections to these German agencies. "How do you account for the letters Peter Gissibl had?" Dies asked, "Did he not exchange correspondence with agencies of the German government?" Kuhn denied knowing anything about the correspondence, but also claimed that such agencies were not part of the German government. "It was a private organization," Kuhn explained, "and they sent a few books—two dozen books. They were not of a political nature at all." In Dies' estimation, however, there would have been no need for Kuhn to issue the order to destroy all correspondence unless he knew that such correspondence existed. But Kuhn argued that his order went only to private correspondence and was issued to prevent the Bund's enemies from taking an innocent letter and twisting it into something sinister. As for Gissibl, Kuhn removed him from the Bund following his appearance before the Committee.

Making a case for Gissibl, Dies asked Kuhn, "You knew this correspondence was surrendered under subpoena?" Kuhn answered, "I didn't know you had any correspondence like that." "Oh yes;" replied Dies, "you knew about it, you had

84 *Hearings*, Testimony of Fritz Kuhn, pp. 3778-3779.
some article in the paper about it.” “That was after this investigation,” argued Kuhn. “Didn’t that have anything to do with the removal?” Dies persisted. “Might be,” the witness grudgingly admitted.\footnote{ibid., pp. 3843-3845, 3858.}

Kuhn denied knowing anything about the DAI, or how it was financed. Although he admitted that he might have received one letter from the DAI after his 1936 trip to Germany, “thanking me for a good time,” Kuhn disclaimed any knowledge of a letter from the Institute to Gissibl regarding a suggestion that Kuhn plan a trip to Germany for Bund members. Kuhn also admitted to having met a man named Moshack in Stuttgart in 1936. Although Moshack was employed by the Auslands Institute and the two men traveled back to the Untied States on the same ship, Kuhn claimed they had no discussions of the Bund, or any discussion of the Institute providing the Bund with information.\footnote{ibid., pp. 3843-3845, 3858.}

The myriad German agencies devoted to uniting Deutschtum once again confused the Committee when it returned to the letter Kuhn received from the Foreign Institute at Stuttgart, to discover that it actually came from the VDA, the League for Germans Abroad. Kuhn explained that he had received the two dozen books from this group, not the DAI. The purpose of the VDA, stated Kuhn, was “to have contact with German citizens all over the world.” But Kuhn insisted that since the League had been formed before Hitler came to power, it could not be an agency of the German government. He then admitted knowing Gunther Orgell, the VDA’s official representative in the United States, and that Orgell may have attended a few Bund meetings. Moreover, Orgell stopped by Kuhn’s office.
every three months or so merely to say hello. The only business between the two, Kuhn insisted, regarded the purchase of blue candles for sale to Bund members. Nevertheless, based on a VDA letter Gissibl supplied about 3,000 placards to be used in a Bund festival to be delivered via Orgell, the Committee doubted that Orgell's contacts with the Bund were as limited as Kuhn claimed. Moreover, since he was registered with the State Department as a foreign agent, there was no question about Orgell's purpose for being in the United States. The Committee also had a letter to Gissibl in which the VDA stated it was sending him a copy of its newspaper, and hoped that he could find a participant from the upcoming folksong festival to write an article about "the German song in the fight for the upholding of Germandom in America." In still another letter from Moshack to Gissibl, Moshack referred to the Bundesfuehrer. While admitting that he was the Bundesfuehrer at the time the letter was written, Kuhn denied knowledge of any of the matters referred to in the correspondence.87

The Committee's final attempt to tie German propaganda agencies to the Bund related to a student exchange between the United States and Germany, organized by the Bund and the VDA. Although the Committee had one of the participants of this exchange prepared to testify the following day, it did not linger on this topic. Whitley merely asked enough questions to enable the forthcoming witness to counter Kuhn's answers. Kuhn explained that he knew very little about these trips since they were organized by Dinkelacker, the Bund's youth leader. Two student exchanges took place, one in 1937, and one in 1938. Kuhn

86 Ibid., pp. 3850-3851, 3856-3857.
claimed that they were purely educational and not at all political in nature. Whitley asked whether the Bund or the Nazi government paid the expenses for these students to go to Germany to receive training in propaganda techniques. Kuhn's carefully worded answer, "Not for training purposes," avoided the issue of who paid for the trip.  

The final major topic in these hearings was the right-wing propaganda webs that the Committee suspected operated throughout the country. The Committee first raised the subject during the Moseley-Deatherage hearings in May, inquiring several times about the cooperation between the Bund and other right-wing groups. Now it was Kuhn's turn to account for his organization's affiliations. As Whitley stated: "I want to see what kind of company you keep, Mr. Kuhn." Asked about individuals and organizations, Kuhn seemingly made no attempt to hide the Bund's relationships. "Why, we cooperate with everybody...which has the same purpose and aims that we have," he explained. Included among these groups were Italian fascists, the Christian Front, the White Front, and the Social Justice Society. Members of these groups would attend Bund meetings or events, like the Madison Square Garden rally, and Bundists would attend their meetings. But Kuhn did deny a relationship with some individuals and groups. He stated that he "could not say" whether he knew Deatherage, and simply laughed when asked about the Ku Klux Klan. Although he admitted to having met William Dudley Pelley, Kuhn denied cooperating with the Silver Shirts. Whitley was curious about the meeting of these two minds.

87 Ibid., pp. 3858-3865.
"You walked into his office," Whitley asked, "and gave the Nazi salute and said, 'Heil Hitler'?" "That is ridiculous," Kuhn snapped, "We are not childish." Kuhn denied having proposed a coalition between the Bund and the Silver Shirts, noting that in the course of their fifteen minute conversation he had seen Pelley for "what he was." Regardless, Pelley was among those the Bund invited to speak at the Madison Square Garden rally. The list of other invited speakers at that rally is like a Who's Who of the 1930s extreme right. In addition to Pelley, it included General Moseley and Father Coughlin.\textsuperscript{89} 

Because the Committee was particularly interested in the threat posed by a coalition, it continued to press Kuhn on his meeting with Pelley. Kuhn maintained that after their initial fifteen minute meeting he wanted no further contact with Pelley. The usually quiet Noah Mason was skeptical, asking, "And in those fifteen minutes you learned at least that he could not teach you any tricks of the trade?" After the Bundesfuhrer claimed not to understand the expression "tricks of the trade," Mason explained, "Well, I mean just this; that you ... and Mr. Pelley... are a money-making racket based on the credulity of the people." "Who said that?" Kuhn shot back. "I am interpreting the testimony that we have listened to today," Mason answered, "... And that this credulity is played upon because of nationalistic ties, racial ties, and it is fed upon hatred of other groups, particularly Jews." Although Kuhn had previously stated that the Bund 

\textsuperscript{88} \textit{Ibid.}, pp. 3865-3867, 3884-3885. 

\textsuperscript{89} \textit{Ibid.}, pp. 3796, 3802-3804. Most of the names about whom Kuhn was questioned later came up when the Committee asked about the content of the \textit{Weckruf}. Whitley produced copies of the paper in which were included reprinted articles or pamphlets from Deatherage and from Moseley's paper, the \textit{Patriot}. One of the \textit{Weckruf} articles
was anti-Semitic, he now denied that the foundation of his organization was a shared hatred of Jews. "All we want," he said, "is for the Jews to let us alone." When Starnes interrupted to agree with Mason that the Bund was a racket, Kuhn called out, "Who is a racket? Do you call us a racket? You will have to go to the United States Court of Appeals before you call us a racket."\footnote{\textit{Ibid.}, pp. 3765-3769. One wonders just how offensive William Dudley Pelley must have been since he is the one figure with whom all of the right-wing witnesses before the Committee deny having ties. Kuhn later stated that he would object if the Bund’s bookstore, the Aryan, carried literature written by Pelley. \textit{Hearings}, Testimony of Fritz Kuhn, pp. 3801.}

In trying to ferret out information on a possible confederation of right-wing groups, the Committee asked about the meeting at Mrs. Uzzell’s residence at which Moseley was the featured speaker. The Committee believed that the purpose of the gathering was to discuss a coalition of various groups into a national organization. Kuhn was among the forty to fifty people present. Although he conceded that he had attended the meeting, Kuhn denied that the subject of a coalition had been raised. He only attended, he claimed, because he knew that Moseley, whom Kuhn admired as one of the few people in the country who understood "the danger which the United States is in," was going to speak. Although several of those in attendance had been introduced to the group, Kuhn claimed to be unable to identify any of them, prompting Whitley to observe, "You have a very poor memory for names." "Well," said Kuhn, "is that a question, or is that a speech?" "[T]hat is a comment," Whitley answered.\footnote{\textit{Ibid.}, pp. 3804-3805, 3806, 3826-3827.}
After inquiring into the Uzzell gathering, Dies asked Kuhn eight times whether he had ever been approached by anyone, or corresponded with anyone, regarding coordinating the efforts of right-wing groups. Each time Kuhn answered, "no." On the ninth version of the question, Dies asked, "And you never wrote anybody—" But before he could finish the question, Kuhn answered, "Yes, I think I did once. I was approached by a man named Warren Lee." Lee had proposed a meeting in the Midwest, but Kuhn claimed never to have heard from him again. Dies asked again whether that was the only instance in which such a meeting was discussed. Again, Kuhn said it was the only instance. Whitley then reminded Kuhn of a statement he made in his earlier New York interview, that he had discussed forming a third party with Newton Jenkins of Chicago. Kuhn replied that Jenkins had wanted to run for office and wanted the Bund's support. Jenkins wanted to register a new party, or as Kuhn put it, "a so-called surreptitious party." This, however, he reassured Whitley, "had nothing to do with uniting different organizations."\(^92\)

After repeatedly denying that he had been approached about forming a coalition, then admitting that he had been approached on at least two occasions, Kuhn stated that the Bund fully supported any such confederation. "[S]o far as the... Bund is concerned, we never... even think of it as reaching a hold on the United States," Kuhn explained, "All we think of is the same as the Christian Front or Christian movement is formed, the German-American Bund joins them, and out of the different American organizations, we are always so handicapped,

and if a man comes and leads the country, then we might follow him.” What, Starnes wanted to know, was the threat to the country that prompted these groups to think about organizing? The answer was simple, all the groups opposed Marxism.93

Although Kuhn re-emphasized that he had never talked to General Moseley about leading such an effort, by this point he had lost whatever small degree of credibility he had when he started. Kuhn’s strategy in these hearings is difficult to comprehend. He continually lied to the Committee about matters to which he had already attested in March. This provided a simple means by which the Committee could cast doubt on his veracity. Perhaps Kuhn was attempting to confuse the Committee into discounting everything he said by making it impossible to sort the truth from the lies. On his first day of testimony, the answers Kuhn provided to questions about a coalition of right-wing organizations completely contradicted what he told Whitley in the March interview. On the second day, Whitley dutifully trotted out the March transcript in which Kuhn unequivocally stated that the Bund supported a coalition, that different groups wanted to form a united front, and that a meeting of 150 organizations had been held for that purpose in Kansas City in 1937 or 1938, to which the Bund had sent a delegate. Kuhn’s response to his earlier testimony again illustrated the double-talk in which he engaged during the entire course of his appearance. When asked about the Kansas City meeting, Kuhn maintained that Warren Lee was supposed to arrange the meeting, but it never took place. But as Whitley pointed

93 Ibid., pp. 3807-3808.
out, the fact was that Kuhn had discussed organizing these groups, to which
Kuhn replied, "No, that is absolutely wrong." After more questions, Dies
concluded, "Anyway, there was a meeting." To which Kuhn responded,
"Correct." "And now you say that that meeting never took place?" asked Dies.
"That was another meeting, when that meeting was," said Kuhn, "That meeting
took place a year ago." After continuing in this manner, Whitley asked whether
the Kansas City meeting created the American Nationalist Confederation and
elected George Deatherage as its president. Kuhn agreed, but added that the
Bund did not send a representative to that meeting and that the meeting Warren
Lee proposed was a second meeting which never took place. At one point, Dies
asked, "We would like to know why two months ago he testified to one set of
facts and here today, after a certain interval he changed it."94

But Dies understated Kuhn's behavior. Kuhn did not require a period of
months in which to change his testimony. Within minutes Kuhn would state a
fact, then deny it, then admit it again. He tied the Committee in knots with his
circuitous testimony. Ultimately, it was worthless for any purpose other than
illustrating that he could not be trusted. The Committee never seriously
considered bringing contempt or perjury charges against Kuhn. It was content to
let him reveal himself to the public as equivocating and untrustworthy—another
example of the Committee's reliance on the power of the informing function.

The day following Kuhn's appearance, the Committee called Helen
Vooros, a member of the Bund's Youth Movement, to testify about her

94 Ibid., pp. 3815-3819.
participation in the student exchange to Germany. An excellent witness, Vooros supported the claims made the previous year by John and James Metcalfe, but she was not tainted, as they were, by being on the Committee's payroll. Testifying the day after Kuhn, she effectively countered many of the *Bundesfuehrer's* statements regarding the Youth Movement. But best of all, she offered a sex scandal, which the press found irresistible.

Born in Germany, Vooros came to the United States when she was six, eventually becoming a United States citizen. Nineteen year old Vooros joined the Youth Movement of the South Brooklyn section of the Bund in 1937, after a friend described its social activities. She did not know at the time that the Bund was, as she described it, "an arm of the Nazi organization." The weekly meetings, which were comprised of seventeen other young women in addition to Vooros, typically began with a half hour of embroidery, followed by singing German songs, and regular drilling and marching exercises. Then came the political discussions in which they were given lessons on the life of Hitler and other prominent members of the Nazi party. Biographies of Nazi officials, printed in Germany, were provided. They were later tested on this information, as well as the lyrics to the folk songs. Vooros was also required to purchase a uniform, instructed in the Nazi salute, and informed that she was to speak German at all times. Any girl caught speaking English incurred a one or two cent fine. During the course of her testimony, Vooros described night marches led by Youth Movement leader Dinkelacker. Although Vooros had never attended these marches and only knew of them from reports she received from others, the
Committee, despite past declarations that it would not accept hearsay and that witnesses should speak only of what they knew from their own experience, allowed the testimony.  

When Whitley asked Vooros to describe the lessons in more detail, she said that much of what they were taught by Youth Movement leaders stressed the history of the Nazi party in Germany and the gains it had made, including low unemployment, economic security, and social justice. But, of course, social justice was not for all, because anti-Semitism was an important part of the lessons imparted. Vooros explained that she was told that Germans were Aryans, and “they were the ones that originated culture in this world, and we were the only ones that were apt to succeed in the world.” Vooros ran into difficulties after it was discovered that her father was Greek. The Youth Movement held a special meeting to discuss the problem, eventually deciding that her feelings for Germany were so strong that they could overlook the fact that she was not an Aryan.

During the course of her membership in the Youth Movement, Vooros attended sessions at Camps Siegfried and Nordland. Her descriptions of camp activities included the usual rigid schedule of swimming, exercise, singing, and the study of German culture and literature. This included anti-Semitic propaganda by Julius Streicher, William Dudley Pelley, and Father Coughlin. Mein Kampf was also readily available. Campers wore their uniforms and were forbidden to speak English. The frequent marches and strenuous exercises

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95 Hearings, Testimony of Helen Vooros, pp. 3892-3894, 3902, 3900.
served to teach the campers lessons in “resistance.” By that, Vooros meant it was to strengthen their physical and mental character. “[T]hey said no one was to show any sorrow or pity,” Vooros explained. “They said: ’You are supposed to take it.’” To the young people at the camp, their scratches and bruises were badges of honor. Although Vooros implied that she did not understand this way of thinking, her primary objection to life at the camp was the “immorality” she witnessed.97

Despite parents’ complaints, the boys’ and girls’ tents were only 10-20 feet away from each other. These close quarters, Vooros complained, led to couples “doing things that they should not be doing.” The Youth leaders, however, did not object to this behavior. They simply instructed the campers to “go somewhere where people did not see them, and...hide it better.” Dies questioned this statement because in Mein Kampf, Hitler argued that National Socialism “inspires purity, stamping out immorality, and forcing men and women to be clean.” Vooros contended that when Nazis referred to purity they meant that individuals should not mix with other races, but otherwise, they should not “curb their natural instincts.” Adding to Vooros’ discomfort, one of the Youth leaders, a Mr. Vandenberg, had made advances toward her. When she complained to Dinkelacker, his response to her was, “what was the matter and couldn’t I take it.” Surprisingly, despite her ancestry and her objections to the sexual misbehavior at the camps, Vooros was elevated to the position of leader

96 Ibid., pp. 3896-3897.
97 Ibid., pp. 3902-3905.
of the South Brooklyn Youth Movement and accompanied the group on its trip to Germany.98

In contrast to Kuhn's testimony, Vooros stated that the purpose of sending the group of fifteen boys and fifteen girls to Germany was to study National Socialism, with the goal of returning to disseminate propaganda. Because the Bund claimed publicly that the visit was simply for education and pleasure, the students were instructed to tell no one, not even their parents, of the true nature of the trip. Vooros asserted that she knew the VDA was sponsoring the excursion because she had seen a letter from Hugo Haas of the VDA to Dinkelacker. In addition, Vooros described a close relationship between the Youth Movement and the VDA, including the fact that Dinkelacker made regular reports to Haas. Contradicting Kuhn's testimony from the previous day, Vooros claimed that the German government paid for their tickets, and that the Bund provided $20.00 in spending money to each student as they left New York.99

On board, Dinkelacker instructed the students to tell no one about the nature of their trip. They were not to wear their uniforms on board, except during drills which were conducted on deck, after midnight, two or three times a week. The Bund was also not above using these students as couriers. Vooros was given a letter before she left New York which she was to keep until the ship's political leader came to call for it. A political leader and a propaganda leader,

98 Ibid., pp. 3903-3904, 3907.
99 Ibid., pp. 3908-3910, 3916, 3919-3920, 3912. Vooros believed that Germany paid for the trip because she had seen a letter from Hugo Haas in which he stated that the group needed to make a good impression on Nazi officials since they had made it possible to
both of whom were members of the NSDAP, accompanied every German ship, according to Vooros. She claimed, in fact, that when German ships pulled into New York, the Bund called special meetings so that the propaganda leaders could deliver speeches. She had seen these men in Kuhn’s office on occasion, and asserted that they were in constant contact with Bund leaders. Two days out to sea, the political leader on her ship came to retrieve the letter, but Vooros had no idea as to its contents, other than the fact that it was labeled “VDA Stuttgart.” ¹⁰⁰

Describing events that took place onboard the ship, Vooros included more stories of sexual escapades. This time, they involved the Youth leader, Dinkelacker. Several days out to sea, Dinkelacker was discovered in bed with a seventeen year old girl. At a special meeting called to discuss the matter, the students who objected, Vooros among them, were told to “keep [their] mouths shut about it.” Vooros took matters into her own hands, however, and poured a pitcher of water on the bed of the girl in question. When confronted by the girl, Vooros told her “it would be a good excuse for the girl to sleep someplace else.” ¹⁰¹

Upon arrival in Germany, the students donned their uniforms and waited for all of the other passengers to disembark. Hugo Haas and other Nazi officials came aboard to inspect the group, ordering those with American flag pins on their lapels to remove them. Finally, the VDA gave each student fifty marks and

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a free pass for the German Tourist Railway with which they could travel, on their
own, for the first two weeks. Vooros, however, was allowed less free time,
because she had a special assignment. Despite her frequently expressed
misgivings about sexual improprieties, the Youth leaders obviously had
confidence in her. In addition to entrusting her with the delivery of the letter to
the political leader, before she left New York, Vandenberg had given Vooros
photographs to take with her. These photos, which Vooros provided to the Dies
Committee, pictured Bund activities. Once in Germany, she traveled to
Dusseldorf, where she and Dinkelacker met with men to whom she showed the
pictures, the Bund yearbooks for 1937 and 1938, and discussed the Youth
Movement. The men asked Vooros about her activities with the Youth
Movement. In response, she promptly began talking about her embroidery. After
they explained that they were interested in her political work, Vooros stated that
she was not much interested in politics. "[T]hey said everything I did was wrong,"
Vooros told the Committee, "they told me that I should teach German culture,
and tell them they were Aryans and emphasize that Aryans were different."102

After the two weeks on their own, the American students rallied in the
Olympic Stadium. There they saw Hitler, who saluted them, and whose speech
asserted that he was the "fuehrer of every German everywhere." They saw him
later that night at the Lust Gardens in Berlin, a meeting attended by youth groups
from all over the world. Here, Hitler gave another speech, while Leni Reifenstal
snapped photographs. The meeting was followed by dinner—sauerkraut and

101 Id.
pigs feet, much to Vooros' disappointment—and a social. When it came time to
gather round and sing songs, Vooros proved again that she was out of step with
her fellow Bundists. Her suggestion that they sing "Home on the Range" met
with universal derision.\textsuperscript{103}

Then the American group left for a camp where their training would
commence. It consisted of lectures stressing the superiority of the National
Socialist system, with the usual anti-Semitic emphases. The group was then told
how the Third Reich intended to spread National Socialism throughout Europe
and Africa. Although the United States would not figure into this scheme for
another fifteen to twenty years, here was where the Bund would play a crucial
role. German-Americans were to spread out across the U.S., open camps, and
purchase as much property as possible in the vicinity. Then, when Germany
turned to the U.S., German-Americans could claim that people of German blood
were in the majority in the country, and wanted to be part of Germany. In
preparation for this happy day, the students were instructed to trade only with
Germans and to purchase only German goods wherever possible. Other aspects
of their training included distribution of pamphlets explaining that the children of
German women who married Jews would be sterilized, and the revelation that
President Roosevelt had "a streak of Jewish blood in him."\textsuperscript{104}

The camp Vooros attended lasted six weeks, after which the top students
were then sent for eight months of further study in Stuttgart. Vooros was chosen

\textsuperscript{102} \textit{Ibid.}, pp. 3922-3924, 3927-3929.
\textsuperscript{103} \textit{Ibid.}, pp. 3929-3931.
\textsuperscript{104} \textit{Ibid.}, pp. 3932-3936, 3940-3941, 3947.
to attend the camp, but she used an ankle injury as her excuse to avoid the additional study. Although she did not attend, Vooros provided the Committee with a list of the students who did, and asserted that she had heard that the training in Stuttgart included more on National Socialism, plus other subjects like short wave radio transmitting and receiving or nursing. Again, the Committee failed to object to Vooros testifying about what she had heard, as opposed to what she knew to be a fact. Vooros claimed that she never had any intention of returning to the U.S. to disseminate propaganda, she had simply taken advantage of the chance for a free trip to Germany. Finally, on the trip home, each girl was asked to smuggle into the country some German books and uniforms. Apparently Vooros objected because she was told that she was “not getting away with anything.” Vooros complied, but upon her return, she left the organization. Given her complaints, the Bund could hardly have been surprised that she wanted to leave the organization. Nevertheless Kuhn summoned Vooros to meet with him. According to the witness, she told Kuhn directly that she wanted nothing more to do with the Bund. Members were immoral, she said, and although they claimed to be “fighting for Americanism,” she had not learned anything about Americanism during her entire tenure with the Youth Movement. At this point, Vooros testified, Kuhn replied “that I had better be quiet about it, that it would not be very pleasant for me to speak about it.” Although Vooros explicitly stated that she was never directly or indirectly threatened, the Bund sent a member to her house to request that if she ever contemplated discussing
her experience in the Youth Movement with anyone outside of the Bund, that she should consider her German blood. 105

Fascist plots to seize control of the government, along with Kuhn's equivocations and Vooros' lurid tales, made newspaper copy that riveted the nation. But the Committee was unable to prove that these organizations and individuals had committed any illegal acts. New York District Attorney Thomas Dewey had more success in proving illegal behavior, however, when a jury convicted Kuhn of grand larceny and sentenced him to two to five years in Sing Sing. The Committee continued to investigate the Bund and its new leader, Gerhard Wilhelm Kunze. It remained particularly interested in the Bund's relationship with German propaganda agencies. But after Kuhn's imprisonment, the Bund never regained momentum, officially disbanding on December 8, 1941. Likewise, the Committee never stopped pursuing the chimera of the right-wing confederation. It called dozens of witnesses, none of whom allowed themselves to be tied conclusively to illegal activity. In the end, the Committee would have to be satisfied with utilizing the power of the press to expose native fascists to public scorn. 106

105 Ibid., pp. 3934, 3938, 3947-3949, 3957, 3951-3955.
106 Canedy, America's Nazis, pp. 203-205.
Chapter Eight:  
"To Keep From Being Duped":  
Investigating Communist Fronts

No story of this incredible and fantastic period would be complete without at least a brief chapter on Mrs. Eleanor Roosevelt, in view of the numerous occasions when her activities and utterances were comforting and helpful to the Marxists.

Martin Dies, 19631

Mrs. Roosevelt gave warm and generous help to the Youth Congress in the years preceding the debacle of 1939. The communists who held strategic posts in it responded to her benevolence by lying to her about themselves and seeming to enjoy the hoax.

James Wechsler, 19532

In the fall of 1939, the Dies Committee focused primarily on Communist infiltration of youth groups, particularly the American Student Union (ASU) and the American Youth Congress (AYC). This was part of the Committee's broader effort to identify Communist "fronts," or organizations secretly controlled by the Communist Party. By investigating alleged fronts, from the American Civil Liberties Union to the American League for Peace and Democracy, the Committee once again appeared to be targeting progressive organizations and their liberal members. In confronting the youth movement, in particular, the Dies

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Committee understood that it was also challenging youth’s most distinguished champion, Eleanor Roosevelt.

By 1939, Roosevelt had established a close relationship with the AYC. She advised its leaders, attended its meetings and conferences, and had become its very vocal and public defender against the frequent charges of Communist influence. More than that, however, Roosevelt had befriended these young people, inviting them to teas and dinners at the White House and swims at her Val-Kill cottage. A showdown between the Committee and the First Lady loomed.

During the Committee’s first year of inquiry, Dies appeared to be motivated by his own political agenda as he relentlessly claimed various New Deal agencies and progressive organizations were riddled with Communists. In a short time, Dies had become, in the words of ASU executive secretary Joseph Lash, “the black beast of liberal politics.” Regardless of his motives, and setting aside the weighty issues of procedural fairness and freedoms of speech and association, in many instances, the Committee’s claims were correct—or at least partially correct. Organization officials who asserted that the Committee exaggerated or invented claims of Communist infiltration were, often, either disingenuous or simply incorrect; and their supporters among liberals and progressives were left feeling at best, foolish, at worst, betrayed. This was the dynamic at work in the Committee’s 1939 investigation of the Youth Congress and Student Union, with the First Lady playing the role of wounded innocence.
The Committee’s investigation of the AYC and ASU, like its CIO inquiry, was part of its continuing endeavor to prove that the Soviet Union, via the Communist International (Comintern), controlled the Communist Party of the United States (CPUSA), and all related front groups. If the Committee could find evidence of a direct line of control, it could prosecute the organization’s officials for failure to register as an agent of a foreign country. Since finding such proof was difficult, the Committee contented itself with warning the public that Communists secretly controlled the organizations in question.

In keeping with Lenin’s ideal of the professional revolutionary, membership in the Communist Party required strict discipline, total allegiance and a significant investment of an individual’s time and energy to Party activities. Because few people were willing to make this sacrifice, the Party created a number of auxiliary or “non-party mass organizations.” Claiming to be humanitarian or civil rights groups, these organizations often possessed innocuous names, but in reality served as “fronts” for the Party. As the Committee wrote in its January 3, 1939 Report to the House, a front was an organization secretly controlled by Communists in an effort “to reach, by the use of high sounding names and laudable objectives, millions of Americans who would not consciously support any Communist organization working in the open.”

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3 Guenter Lewy, *The Cause That Failed* (Oxford: Oxford University Press, 1990), p. 26; *Report of the Special Committee on Un-American Activities*, House Report No. 2, 76th Congress, 1st Session, January 3, 1939, p. 68. The term “front” may have different meanings depending on the context. A radical organization may create a front to address a single issue. In this context “front” may refer to a broad-based coalition rather than a facade serving as a cover for Communist activities. Front may also refer
Front groups had existed since the 1920s, when Lenin ordered Communists to institute nuclei within mass organizations such as trade unions. Using the nuclei, the Party attempted to control these mass organizations, even those in which the majority of members were not Communists. The Party established control through discipline and coordination. Party members worked harder than anyone else, volunteered for committees, and ran for offices. When the organization called a meeting, the Communist "fraction" would convene secretly in advance to determine strategy. At the meeting, the fraction voted as a bloc, enabling it surreptitiously to place Party members in leadership positions within the larger organization, or push through resolutions that reflected the Party's position on an issue. The Dies Committee's primary informant on the nature and extent of front groups was its Director of Research, J.B. Mathews. Although never actually a card-carrying CPUSA member, in Mathews' own estimation, he was "probably more closely associated with the Communist Party's united front movements than any other individual in [the] country."

Testifying before the Committee, Mathews explained that when conducting Party work, "we always assumed...that if we could get an efficient group of 2 to 3 per

to a general policy of co-operating with other organizations on a particular issue, although no formal organization exists. In this situation, the participating groups may disagree on other issues. The group that initiates the front usually provides the initial direction, but if it grows large enough, survival usually requires a wider participation in policy-making decisions. Dan Georgakas, "Front Groups," in The Encyclopedia of the American Left, Mari Jo Buhle, Paul Buhle, Dan Georgakas eds. (Urbana: University of Illinois Press, 1992), p. 248. Guenter Lewy has a more restricted view of fronts, seeing them all as Communist Party adjuncts. He states that in most front groups members at least partially accepted the Party's objectives and would join as a preliminary step to full Party membership. The Party, therefore, would use the front as a recruiting ground, encouraging members to accept all of its goals. Lewy, The Cause That Failed, p. 26.
cent in any organization, we could influence the adoption of any set of resolutions we chose.\textsuperscript{4}

A common strategy was the use of "innocents"—individuals who had no idea they were members of a front organization. Preferably well-known public figures, these innocents' leadership roles—often only ceremonial—deflected suspicion. According to Mathews, "there is nothing simpler than to approach men and women, prominent people in the whole country, and get them to put their signatures to things about which they have not the remotest idea." When innocents publicly defended a front group, Mathews continued, the Party was able to "exploit the publicity value." "If the speaker was the wife of the president of the United States," asked Committee member Noah Mason, "there would be great publicity value in that fact, would there not?" "I take it," Mathews replied, "the question answers itself."\textsuperscript{5}

The Comintern's tactical shifts that began in the '20s simplified the Committee's task of proving that an organization was a front. During the 1920s, Comintern policy was the "united front," i.e. the use of coalitions with other left groups, such as Socialists, and mainstream trade unions. Then in 1929, the Comintern instituted a new policy, the so-called "Third Period," demanding extreme sectarianism and a repudiation of all united front alliances. The CPUSA now condemned Socialists as "social fascists" and was harshly critical of the "reformist" New Deal. Hitler's ascent to power prompted yet another policy

\textsuperscript{4} Hearings, Testimony of J.B. Mathews, pp. 869, 878.
\textsuperscript{5} Lewy, The Cause That Failed, pp. 27-28; Hearings, Testimony of J.B. Mathews, pp. 874, 877.
change when the Comintern announced its Popular Front against fascism in 1935. Communists were once again to seek alliances with all groups opposed to fascism, including those they had condemned during the Third Period. Socialists became desired allies and Party members lauded the New Deal. Presenting communism as "Twentieth Century Americanism," under the Popular Front the CPUSA enjoyed its greatest popularity. But this period came to a sudden close with the signing of the Nazi-Soviet Pact in August 1939. If the Committee could demonstrate that policy changes in an alleged front group mirrored those of the Comintern, it could make a *prima facie* case for Communist domination.\(^6\)

When determining whether an organization was a Communist front, the Dies Committee usually focused on the presence of Party members in leadership positions, but ignored other crucial considerations. For example, the Committee disregarded the distinction between an organization that was *actually* dominated by Communists, as opposed to one which the Party was *attempting* to dominate. A related issue was the extent to which Communist goals matched

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\(^6\) Lewy, *The Cause That Failed*, pp. 13, 18-23; Fraser M. Ottanelli, *The Communist Party of the United States* (New Brunswick: Rutgers University Press, 1991), pp. 55-72, 80; John Gerassi, "The Comintern, the Fronts, and the CPUSA," in *New Studies in the Politics and Culture of U.S. Communism*, Michael E. Brown, et al., eds. (New York: Monthly Review Press, 1993), pp. 75-80. Much of this shifting Comintern policy was related to Soviet politics, including the power struggle, following Lenin's death in 1924, between Stalin, Trotsky, Zinoviev, Kamenev, and Bukharin; and the dawning realization that the world revolution they had been counting on for their continued survival would not occur in the near future (a large part of the rationale behind creation of the Comintern was to promote world revolution because Lenin believed that the Soviet Union could not stand alone as a socialist entity for very long, let alone achieve communism, because of its backwardness and lack of Marxist objective conditions). During this period of struggle, Stalin developed the theory of "Socialism in One Country," and devoted the supposedly international Comintern to shoring up national gains made in the Soviet Union. The Comintern officially repudiated Lenin's united front tactics in
those of the organization in question. Mathews argued that when Communists occupied 2% to 3% of an organization they could pass any resolution they chose. But this was a different matter than controlling an organization. To the extent that the goals of Communist and non-Communist members were compatible, as they were during the Popular Front era, a case for Communist-domination would be difficult to make. James Wechsler, a Young Communist League member, wrote about Communist control of the AYC: “There was often no conspicuous rift between what the Communists proposed and what many other Americans independently believed.” If the Party’s goals were incompatible with those of the main group, but they nonetheless forced acceptance, then the domination argument was stronger. These distinctions usually got lost in press reports, were frequently overlooked by witnesses, and often glossed over by the Committee.7

The Committee essentially thought the line between Communist presence and Communist control was unimportant. In 1938 through most of 1939, several witnesses alleged that the Party dominated the AYC and the ASU. Often, the only ones insisting that a difference existed between Communist presence and Communist domination were the accused groups. While they made a valid argument, their leadership sometimes hid behind the distinction even when they knew that Communists were presently fighting for the soul of their organization,

7 Wechsler, The Age of Suspicion, p. 71.
and even, as with Joe Lash, when they believed that the Communists would probably win.

For the Committee, this was mere semantics. As Mathews argued, an ability to pass any desired resolution was de facto control of an organization. "[I]t was entirely unnecessary to have a majority of Communists in any organization or movement in order to control it or to influence it in a desired direction," Mathews explained. "The theory holds that the tail can and does, in fact, wag the dog." If Communists had designs on an organization, in time they gained control. The Committee's job was to warn innocents—who knew nothing about the battles being waged behind the scenes—that they were aiding and abetting the Communist Party.\(^8\)

\(^8\) *Hearings, Testimony of J.B. Mathews,* p. 878. As a federation, the American Youth Congress had no individual members, only member organizations. This made it easier for Communists to dominate. As Geunter Lewy notes it is easier to manipulate an individual delegate representing an organization than an entire organization with many members, many of whom might be virulently anti-Communist. This begs the question of how much an individual belonging to an organization affiliated with the AYC knew about its Communist ties. How many of the "innocents" deserved the appellation? Some commentators argue that in the typical front, even if some innocents had no clue about the Communist leanings of the group when they joined, it would not take long before its true nature became obvious. Whether this would be the case in a federation such as the AYC is difficult to determine. The AYC befriended many in Washington and by 1939, Lewy noted, it had "lost almost all outward vestiges of radicalism and...surrounded itself with the halo of the New Deal." Although dominated by Communists, the AYC would, on occasion, assume a publicly anti-Communist position, as it did in 1939, when it passed a resolution condemning all forms of dictatorship, including fascism and communism. Moreover, to join the AYC, an organization needed only to agree with one of its principles. This flexibility enabled the AYC to claim membership of over 4.5 million. Given its structure and outward anti-communism, it is likely that many of those whom the AYC counted as members did not even know they were counted as such, let alone that it was a Communist front. Lewy, *The Cause That Failed,* pp. 29, 31-32.
The AYC and the ASU were the two largest and most influential of the political organizations on college campuses in the ‘30s. By 1932, the Depression had caused falling enrollments, fewer individual gifts, and reduced higher education budgets. Universities increased student fees, limited building maintenance, cut the number of classes offered, fired faculty, and reduced the salaries of those remaining. Unable to afford the increased tuition, tens of thousands of students dropped out of college. A college degree was no longer a guarantee of employment, a decent standard of living, or upward mobility. Hal Draper, a Socialist and founding member of the AYC and the ASU, wrote that “it was as if the social machine had simply broke inside and ground to a halt.”

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9 Although the vast majority of college students in the ‘20s were apolitical, Eileen Eagan argues that some student protest existed on campuses of the period. Students rebelled, in a limited fashion, against prevailing sexual mores (this was the era of the flapper), and a small minority of students fought compulsory military training in the form of the Reserve Officer Training Corps (ROTC), censorship, and intercollegiate athletics. For the most part, however, this activity was isolated and limited. Eileen Eagan, Class, Culture, and the Classroom: The Student Peace Movement of the 1930s (Philadelphia, Temple University Press, 1981), pp. 32-37. The general opinion that students of the ‘20s were an apathetic lot was shared by at least two students active during the ‘30s, Socialist Hal Draper and Communist James Wechsler. Wechsler recounts the student activism in the ‘20s, but only to illustrate its ultimate failure. See generally, Hal Draper, “The Student Movement of the Thirties: A Political History,” in As We Saw the Thirties, Rita Simon, ed. (Urbana: University of Illinois Press, 1967), pp. 151 et seq.; James Wechsler, Revolt on the Campus (New York: Covici-Friede, 1935), pp. 11-49. On the other hand, Philip Altbach, while agreeing that only a small minority of students participated in campus politics in the ‘20s, and that they had little influence on or off campus, argues nevertheless that the importance of the student movement of the ‘20s has been “underemphasized.” The student movement of the ‘20s, he states, provided a prototype for the activism of the ‘30s. Philip G. Altbach, Student Politics in America: A Historical Analysis (New York: McGraw Hill Book Company, 1974), pp. 52-53.

10 Altbach, Student Politics in America, pp. 58-59; Wechsler, Revolt on the Campus, pp. 49-59; Robert Cohen, When the Old Left Was Young (Oxford: Oxford University Press, 1993), pp. 15-21; Draper, “The Student Movement of the Thirties,” p. 155. Whereas only 20% of men and 11% of women had worked their way through college during the early years of the Depression, at Temple University in 1932, to cite one example, 70% of the students worked while attending school. One-third of the women students at the University of Michigan during the 1932-1933 school year worked to pay
The increasingly ominous state of world affairs also weighed heavily on collegians. Infants during the First World War, college students of the Depression read Siegfried Sassoon, Wilfred Owen, John Dos Passos, and Erich Remarque. Revisionist views of the causes of the war were in vogue among academics. One student later recalled, "reciting the horrors of the last war became almost a fad." Little wonder that students flocked to vociferous and radical peace organizations.\footnote{11}

The smaller and more radical of the two youth organizations investigated by the Dies Committee, the American Student Union, was one of the earliest groups to transform students' anxieties into direct action. Created in 1935, the ASU was an amalgam of the Socialist-dominated Student League for Industrial Democracy (SLID) and the Communist-dominated National Student League (NSL).\footnote{12} SLID emphasized study groups and lectures rather than direct political action, and gained only a small following. The National Student League, formed in 1931, knocked SLID out of its lethargy. Founded by an alliance of left-leaning groups on several New York campuses, the NSL encouraged militant activism in highly publicized, successful actions. It sponsored a bus trip to Harlan County,
Kentucky to spotlight mineworkers' struggles to unionize, waged a successful free speech fight at Columbia University over the expulsion of the editor of the school paper, and prevented a fee increase at New York's municipal universities.\(^{13}\)

In 1932, SLID sought to ally with the NSL on the most pressing campus issue of the day—peace. Ignoring the sectarian dictates of the Third Period, the NSL agreed.\(^{14}\) The following year, the nascent college peace movement coalesced around the newly imported Oxford pledge. Originating at Oxford University, the pledge was a refusal to support the British government in the event of another war. This expression of pacifism quickly found a warm reception in the United States. It was certain to attract press commentary and prompt public debate. With appropriate slight changes, the pledge became a hot topic on American campuses. In April 1934, the NSL and SLID co-sponsored a National Student Strike Against War, featuring a one hour walkout of classes and rallies where students recited the Oxford pledge. Although poorly publicized and occurring primarily on New York City campuses, 25,000 students participated. This, the largest student demonstration in the nation's history, garnered

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\(^{13}\) Cohen, *When the Old Left Was Young*, pp. 31-34, 43-71; Draper, "The Student Movement of the Thirties," p. 157.

\(^{14}\) Young Communist Leaguers in the NSL objected to the alliance with SLID's Socialists because of Third Period policy. But they were unable to prevent an alliance because they lacked sufficient influence in the organization, and by this time there had been a softening of Third Period sectarianism. By the time of the permanent union with SLID, however, YCL'ers had taken effective control of the NSL and were taking their
extensive press coverage. The Second Student Strike Against the War, in April 1935, was a nationwide event, attracting 175,000 participants.15

The NSL and SLID had demonstrated an ability to work together. But more importantly, their leadership saw in the success the seeds of a mass student movement. Once the Comintern instituted the Popular Front in the 1935 summer, NSL’s Communists sought an official alliance with SLID, an unpopular idea among SLID’s Socialists. The Young Communist League (YCL) now dominated the NSL and subordinated its goals to the Party’s interests. SLID’s leadership feared that this would be their fate in an amalgamation, but eventually capitulated, in part, because of grassroots pressure for consolidation. The NSL’s Wechsler and SLID’s Lash also recognized the benefits of cooperation. Draper of SLID and the Young People’s Socialist League (YPSL), described Wechsler as “more imaginative and less muscle-bound in style than the cliché-ridden hacks” of the Communist Party; and Lash was an early proponent of a united front. With Wechsler’s and Lash’s guidance, during Christmas 1935 the NSL,

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15 Joseph, Lash, “The Meaning of the Oxford Pledge,” Joseph Lash Papers, Franklin D. Roosevelt Library, Box 21, File: National Executive Committee; Cohen, When the Old Left Was Young, pp. 91-95; see generally, Eagan, Class Culture, and the Classroom, pp. 57-71; Wechsler, Revolt on the Campus, pp. 166-181. The American version of the Oxford pledge did not merely substitute the United States for Great Britain. The Oxford pledge was a product of British pacifists and expressed a refusal to fight in any war. Communists, who played a large role in the American student peace movement, insisted that the wording be changed to a refusal to “support the government of the United States in any war it may conduct,” leaving the road open to support a class-based revolution. Draper, “The Student Movement of the Thirties,” pp. 169-170.
SLID, and a group of unaffiliated liberals officially merged as the American Student Union.  

An immediate success, ASU membership quickly swelled to 20,000, mostly liberals and pacifists. Amalgamation did not end the conflicts between Socialists and Communists, but both sides attempted to maintain unity. Lash and Wechsler tried to cloak these internal battles from the rank and file, and resulting compromises roughly balanced Communists and Socialists in ASU leadership positions. While Comintern policy meshed with ASU goals, the two sides managed to work well together. When the Party line changed in 1939, the Socialists who had issued the initial dire warnings about Communist domination would be proved right.  

The Comintern-directed changes were particularly important in regard to the ASU because the Communist effort to seize control was ongoing. The ASU began as an amalgamation of Socialists, Communists, pacifists and liberals. These factions participated in shifting alliances that reflected not only Comintern policy, but the rapidly deteriorating world situation. ASU policy almost always

16 Hearings, Testimony of Joseph Lash, p. 7065; Draper, “The Student Movement of the Thirties,” p. 173. SLID contained two types of Socialists. The first, LID’ers, had been in the League for Industrial Democracy and were basically “liberal-social-democratic,” with a splash of pacifism. Second, were Yipseys, or Young People’s Socialist League members, who believed in socialist revolution and were contemptuous of Communists, particularly after their rightward swing during the Popular Front. As soon as LID’ers exhibited an interest in aligning with the NSL, the YPSL raised a cry of alarm. Draper, “The Student Movement of the Thirties,” pp. 158-159.

17 Hearings, Testimony of Joseph Lash, pp. 7074-7075; Levy, The Cause That Failed, p. 178; Ottanelli, The Communist Party of the United States, pp. 171-172; Eagan, Class, Culture, and the Classroom, pp. 134-136; Cohen, When the Old Left Was Young, pp. 137-140, 146-151. Joe Lash wrote that the ASU’s paper, the Advocate, did not reflect the intense in-fighting between Socialists and Communists, leaving the rank
followed the Comintern, but Communists won acceptance of their agenda by allying with the organization’s Socialists or liberals. During the Popular Front years, Draper observed, “the highly ideological leadership of the Communist students made a turn toward ‘de-ideologizing’ and depoliticizing the movement....” It is difficult to determine whether ASU Communists would have been successful without the support of these other factions. Nevertheless, Draper continued, “What was beginning was the cant of speaking in the name of ‘The Students,’ whose aspirations and most secret thoughts always somehow coincided with the latest pronouncements of the YCL.” But when the Comintern ordered Party members to drop their anti-Nazi rhetoric after the signing of the 1939 Nazi-Soviet Pact, an open split developed between ASU Communists and Socialists. Nevertheless, the Communists successfully pressed for the adoption of this new policy. Only at this time could any outside observer unequivocally state that the ASU was dominated by Communists.18

The second youth organization investigated by the Dies Committee, the American Youth Congress, was the most influential student group of the 1930s. An umbrella organization that embraced an array of youth, labor, religious and fraternal groups, the Youth Congress agenda focused on a wider number of issues than the ASU, including labor and civil rights. Founded by Viola Ilma, editor of Modern Youth magazine, the AYC modeled itself on European counterparts. In 1934, on the New York University campus, seventy-nine

organizations attended the founding conference, including the Boy Scouts of America, the Girl Scouts, the YMCA, the YWCA, and Protestant and Jewish youth groups, plus openly left-wing groups including the Young Communist League and the Young People's Socialist League. In addition, Communists had representatives, or "submarines," hidden in the other organizations. The politically naive Ilma had also invited a number of unaffiliated individuals without realizing that they were associates of the Communists and Socialists. In what Lash described as a "tumultuous affair," the left-wing groups seized control of the conference. They were inadvertently aided by Ilma, who, fearing the radicals she had invited, attempted to hold tightly the reins of the proceedings. This tactic enabled the left-wing groups to appeal successfully to the religious groups, and win control of the conference in the name of "democratic procedure." Acknowledging her mistake, Ilma would later write Eleanor Roosevelt, "the majority of youth feared undemocratic procedure much more than they feared the few Communists present." Dies would later also hold Ilma responsible for the proceedings because "[i]t was she who invited the Communists to participate; the Communists did the rest." Working together to push their own anti-fascist and anti-war agenda, Communists and Socialists eased her out of the picture.

Ilma and her associates walked out, leaving the left-wing groups in control.\(^{19}\)

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\(^{18}\) Draper, "The Student Movement of the Thirties," pp. 177-178.

Like the ASU, the Youth Congress softened its tone in 1935 with the advent of the Popular Front. In 1934, the First Youth Congress had explicitly denounced capitalism, but, by the next year, tempered its rhetoric. The Popular Front, said Draper, "spared no effort to convince Washington and the American power structure that Moscow, together with the Communist parties it kept in tow, was no longer a Red menace, no longer even interested in revolution. That, in fact, it could be depended on as a respectable leader of the status quo...." With each step toward the center, the AYC moved closer to the Roosevelt Administration. It had not only extraordinary access to the First Lady, but also to the President and a number of high ranking New Dealers. Still, the AYC always remained to the left of the New Deal. The First Lady enjoyed bringing them in to discuss policy with the President: they challenged FDR, arguing his agenda was not liberal enough. Nevertheless, had it not moderated its tone, the AYC would never have been enjoyed such access to the White House.20

Long before she began her association with the Youth Congress, Eleanor Roosevelt had anguished over the degraded status of young people as a result of the Depression. Her first major undertaking on behalf of American youth was her active involvement in the creation of the National Youth Administration. The NYA funded student loans, works projects aimed at youth, vocational assistance, apprenticeship training, and camps for unemployed women. Beyond providing

1934 AYC Congress, Eagan credits Communist and Socialist youth with "anticipat[ing] this change." Eileen Eagan. Class, Culture and Classroom, p. 119. James Wechsler, at the time a Party activist, asserted that Communists seized control of the founding conference by themselves. Socialists, he insisted, knew what was happening but "were powerless to prevent it." Wechsler, The Age of Suspicion, pp. 69-71.
jobs, however, Roosevelt believed that the government must inspire young people to re-engage in public life as constructive, contributing members of society. She believed that something needed to be done to "restore their faith in democracy to meet their needs, or they would take the natural path of looking elsewhere to secure what seemed to them their fundamental rights and freedoms." Her belief that the NYA would never solve all the problems of youth, and her interest in helping young people, particularly "in any efforts they made to help themselves or one another," led to her involvement with the American Youth Congress.21

Roosevelt defended the Youth Congress as an "idealistic, hard-working group," but also mused, "whether they were Communist-inspired from the beginning, I have never known." When such accusations became more frequent, she confronted several of the group’s leaders regarding their political views. Since she had worked so closely and publicly with them, she believed she was entitled to the truth. Each one denied being a Communist or having ties to Communist groups. "I decided to accept their word," Roosevelt recalled, "realizing that sooner or later the truth would come out."22

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Her initial contact with the group was in January 1936. The AYC National Council was meeting in Washington to determine lobbying strategy for the American Youth Act, a $3.5 billion unemployment relief bill that it conceived as a response to the despised National Youth Administration.\footnote{According to Lash, the AYC was hostile toward the NYA because it considered it to be “an attempt to promote Roosevelt as ‘the great white father’ of the young generation at a cheap price, and we suspected a plot to establish a government-sponsored youth movement.” Joseph Lash, \textit{Eleanor Roosevelt: A Friend’s Memoir} (New York: Doubleday and Company, Inc., 1964), pp. 2-3. The AYC also complained that the NYA was underfunded, was insufficiently concerned with youth not in college, did not safeguard the rights of blacks and lacked a “democratic administration.” The American Youth Act would provide aid to a broader range of young people, pay higher monthly wages, begin a massive public works project and be administered in a more democratic fashion thanks to an advisory board comprised of representatives of youth groups, labor unions, social service and educational institutions. The bill was sponsored by Minnesota’s Elmer Benson in the Senate and Wisconsin’s Thomas Amlie in the House. Cohen, \textit{When the Old Left Was Young}, pp. 191-192.} In an attempt to forge a compromise with them, NYA director Aubrey Williams escorted Roosevelt to a session in which the young people bombarded her with critical, pointed questions. Because of her own doubts about the efficacy of the NYA, Roosevelt patiently responded to their complaints. Her “candid replies,” Lash recalled in 1964, “transformed an adversary relationship into unabashed admiration.”\footnote{Id.}

Lash’s assessment is a little too generous. Many in the Youth Congress remained contemptuous of Roosevelt, even after she invited her antagonists to the White House for tea. They accepted only with reservations. “Some of those who came to tea,” Lash later wrote, “were filled with youthful swagger and the certainty that they in Marxism, not she in Christian ethics, had the key to history and human happiness.” Roosevelt disappointed her guests by refusing to
support their pet bill because they had asked for too large an appropriation and it was poorly drafted, particularly in its failure to establish a sufficient administrative structure. She did, however, offer to put them in touch with people who could assist them in drafting a new bill. More radical elements of the AYC, along with the Young Communist League, accused Roosevelt of insincerity, as evidenced by her refusal to endorse the bill. Roosevelt, on the other hand, was disappointed that the AYC seemed not to listen to her, and again insisted that she merely thought the bill needed re-drafting. Asked to sit on the Youth Congress advisory board in late 1936, however, Roosevelt refused. "I am afraid that you have not done the things which would give me enough faith in you," she wrote them in response, "I have heard you make statements which were not correct and after they had been explained and corrected, I have heard you make them again." 25

This rocky start would grow into a close relationship beginning in 1937. AYC National Legislative Director Abbott Simon sent her a revised version of the Youth Act. He asked for suggestions regarding how best to lobby for the bill. Simon's efforts paid off. Roosevelt invited him to the White House where he discussed the legislation with the President, who encouraged their lobbying effort. 26

26 Lash, *Eleanor and Franklin*, pp. 546-548; Abbot Simon to Marvin A. McIntyre, January 19, 1937; H.M. Kannee to Simon, January 21, 1937; Hoover to AG, January 29, 1937, FDR Library, Franklin D. Roosevelt Papers, President's Personal File (PPF), Box 2274-2292. File: 2282 AYC. Congressman Jerry Voorhis was among those urging the president to meet with AYC representatives. Voorhis believed that by actively listening to what they had to say, the president would go a long way toward
In February 1937, the President’s support was put to the test. FBI Director Hoover warned FDR that the Daily Worker had publicized the coming AYC “pilgrimage” to Washington and that the AYC was “understood to be strongly Communist.” Four thousand young people arrived in the capitol to meet with their congressmen and march in support of the Youth Act. The Roosevelts and Aubrey Williams agreed to meet with a delegation, and the President intervened to secure the release from jail of AYC leaders William Hinckley and Abbott Simon, both arrested during an impromptu sit-down on Pennsylvania Avenue.27

Thereafter, the relationship between the Roosevelt Administration and Youth Congress became close, at a time when the President was experiencing increasing difficulties maintaining the loyalty of the more conservative elements of his party—particularly southerners like Dies. As the President looked more frequently to the left for support, Eleanor acted as liaison between him and these groups. With her encouragement, the Youth Congress’ lobbying activities assisted the Administration. This close relationship excited controversy within the Youth Congress. Popular Front policy dictated that AYC Communists wholeheartedly support the New Deal. Socialists accused the Communists of selling out, while fretting that the Roosevelt Administration was co-opting the AYC to create a government-sponsored youth movement. Despite these differences, however, the Youth Congress was unwilling to sacrifice its

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"strengthening the influence of the more moderate among them and correspondingly counter-balancing the influence of the more extreme elements." Voorhis to FDR, February 17, 1937, FDR Library, Franklin D. Roosevelt Papers, PPF, Box 2274-2292, File: 2282 AYC.
relationship with the President and First Lady. It began moving into a total alliance with the New Deal.28

Eleanor Roosevelt’s relationship with the Youth Congress continued with few complications until 1938. While she spent the summer in Hyde Park assisting in preparations for the Second World Youth Congress to be held that August at Vassar College, the Dies Committee was planning its inaugural hearings. Its mere $25,000 appropriation limited the actual investigating the Committee could conduct. It relied, therefore, on volunteers from patriotic organizations who had carried out their own investigations. Much of this testimony was marred by mistakes, although these witnesses usually got the broad outlines of the story right. The primary witnesses to testify extensively on front organizations, including the Youth Congress and the Student Union, were the Committee’s Director of Research, Mathews; Walter Steele, Chairman of the American Coalition Committee on National Security; and Homer Chailliaux, Director of the American Legion’s National Americanism Commission.

Steele stopped short of stating that the ASU was Communist-dominated, although his testimony implied it. Basing his account on ASU pamphlets, reports and booklets, Steele was wrong on some minor details, but correct on most big issues. His testimony stressed the interconnectedness of various alleged fronts, or “interlocking directorates.” This was a guilt by association strategy—if group

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27 Id.
28 Wandersee, “ER and American Youth,” pp. 75-76; Lash, Eleanor and Franklin, p. 547.
“A” is a Communist front and shares some officers with group “B,” then group “B” must also be a front. Steele correctly described the ASU’s origins, agenda, and activities. He noted events in which the ASU worked alongside Communists and ASU policy changes that were in accord with the Communist Party line, stated correctly that the ASU had abandoned the Oxford Pledge after the start of the Spanish Civil War, and, further, that after resigning from the Socialist party, the ASU’s Joe Lash had more closely become associated with Communists. Steele never claimed directly that the ASU was a front, but his characterization of events was often exaggerated. He asserted that Communists “inveigled” Socialists to participate in the ASU founding convention, then “usurped” the leadership, and “have used it as an adjunct to the young Communist movement all during its short life.” It was true that amalgamation was not universally approved by SLID’s Socialists, but there was sufficient support to secure an agreement to hold a joint convention. It was also true that the Communist Party looked on the ASU as an adjunct, but the ASU’s Socialists and liberals would have objected to the characterization.29

Discussing the Youth Congress, Chaillaux presented Communist Party publications, meeting reports, and copies of the Daily Worker to show a “tie-up” between it and the ASU. Both he and the Committee carefully avoided stating that either the ASU or the AYC was dominated by Communists. Chaillaux’s evidence demonstrated only that the CPUSA or the YCL were “associated” with these youth groups. Nevertheless, because the Committee clearly wanted to

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29 Hearings, Testimony of Walter Steele, pp. 474-477, 582-584.
prove that the intent of the Party was to “attach themselves to any organization, no matter how patriotic that organization may be,” and subvert it, chairman Dies felt less need to prove that a group was under Communist control than the mere fact of Communist presence. “Don’t you think it is the duty of a committee like this to expose the full facts,” Dies asked the witness, “so that people who are being deceived will have an opportunity to withdraw from such an organization?” “That is what we hope you will be able to do,” answered Chaillaux. “If the organization is sincerely opposed to communism, and the members are sincerely opposed to communism.” Dies continued, “can they demonstrate it more effectively than by cleaning up their own house?”

In contrast to Steele and Chaillaux, Mathews’ testimony often reflected his first-hand knowledge of the groups in question. While working for the united front, he claimed to have spoken on 250 college campuses. Mathews provided a brief history of the AYC and ASU, described his limited contacts with them, and concluded, based on his direct experience as well as his general knowledge of Communist infiltration of organizations, that the two groups were fronts. The AYC, Mathews maintained, “is being made innocent dupes by a carefully contrived Communist maneuver.” He did not know whether AYC leaders Joseph Cadden and Lash were CPUSA members, but he believed they were “fellow travelers,” or non-party sympathizers. Facts for which he did not have direct knowledge were based on Party reports and the AYC’s official history. But like Steele and Chaillaux, Mathews could offer as proof only his assertion that the

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CPUSA and the YCL claimed an influence. The details of his testimony were correct, but not necessarily convincing. When asked about the upcoming Second World Youth Congress at Vassar College, Mathews dismissed it as “nothing more nor less than one of these united front maneuvers dedicated to forwarding the aims of the foreign policy of the Soviet Union.” Mathews then went on to assert, without proof, that in his personal study of American delegates to the Congress he had discovered that 35 out of 50 were Communists or Communist sympathizers.

After the Committee had heard this initial testimony on the AYC and ASU, Cadden, Chair of the World Youth Congress Organizing Committee, wrote Dies, pointing out factual errors in Steele’s testimony. In discussing the Second World Youth Congress, Steele had misidentified members of the Organizing Committee, delegates to the Congress, and the participating organizations, and incorrectly identified a periodical as a product of the Congress. Cadden also took exception to Mathews’ assertion that 35 of the 50 American delegates to the Congress were Communists. Not only did Mathews fail to identify the delegates, objected Cadden, he had no evidence to support his claim. Tellingly, Cadden did not object to any other part of Mathews’ testimony.

Based on the testimony primarily of Walter Steele, in its first official report to the House of Representatives the Committee listed the Youth Congress and the Student Union as examples of front groups. The Committee’s proofs about

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31 Hearings, Testimony of J.B. Mathews, pp. 872-877, 892.
32 Ibid., pp. 876-877.
the ASU were sufficiently weak to allow critics to conclude that a witch hunt of progressive organizations was underway. In its report the Committee argued that Communists comprise part of the ASU membership, the Party claimed the formation of the ASU as a united front triumph, the YCL claimed credit for calling the amalgamation conference between the NSL and SLID, an ASU advertisement in the New Masses offered free trips to the Soviet Union, and in 1938, the ASU called for a “closed shop on campus.” Each of these statements was correct, but hardly “prove” anything more than that the ASU was a progressive organization with goals that often paralleled those of the Communist Party. And the YCL and CPUSA claims of control could be dismissed as evidence only of what the Party wanted to believe.34

The Committee’s statement on the AYC was even flimsier. Its only evidence was that the AYC contained over one dozen Communist, Communist front, or Communist sympathizing groups. While the report did state that the AYC had “many” non-Communist organizations in its ranks, it did not provide the number. 91. The other offer of proof was that YCL member Gil Green announced to the Comintern that at Ilma’s ill-fated founding convention, “We defeated the enemy and turned the Youth Congress into a broad united front.” The Committee interpreted Green’s quote to mean that the convention was “broken up and reorganized into a ‘red’ front.” But a red front and a united front were two different things. Green meant a coalition of Communists, Socialists

33 Cadden to Dies, January 23, 1939, FDR Library, Gardner Jackson Papers, Box 19, File: Dies Committee.
and liberals. The Committee distorted his statement to arrive at the conclusion they wanted. Yet, as weak as the evidence was, the Committee properly recognized that these organizations, at the very least, had been targeted by the Party.35

Meanwhile, Eleanor Roosevelt was helping to plan the Second World Youth Congress. "It would probably not have occurred to anyone reading the proceedings of the Second World Youth Congress...that it was dominated by Communist influence," concluded a Christian Century editorial, with which she would agree. Working side by side with organizers at her Val-Kill cottage to arrange the Congress was a deeply moving experience for the First Lady. She was impressed by the sincerity and gravity of the participants. Representing fifty-four countries, the young people exhibited a passion not only for issues that concerned them directly, but for the problems of those in other nations. She marveled as students whose countries were presently warring with one another participated in frank, but civil discussions. She spoke twice at the gathering, attended sessions, and wandered among the students, eating ice cream, listening, and conversing, and came away more committed than ever to supporting and defending the youth movement.36

36 "Was the Youth Congress Communist Controlled?" Christian Century, September 7, 1938, p. 1052; Lash, Eleanor and Franklin, pp. 548-550; Wandersee, "ER and
Nevertheless, Mathews' 1938 prediction that the World Youth Congress would reflect the Soviet Union's united front strategies proved to be correct. The first featured speakers at the convention were those from countries directly threatened by fascism. Anti-fascist rhetoric and calls for collective security were a theme of the conference, culminating in the Vassar Peace Pact swearing "to bring pressure to bear... upon our respective authorities to take the necessary concerted action to prevent aggression and bring it to an end..." Mathews had argued that any such policy statements would be the result of Party manipulation. But collective security was supported by most of the Congress' participants. If Communists were responsible for the Pact, its passage was made easier by the fact that it mirrored popular sentiment.37

Allegations of Communist domination had provoked press criticism about Roosevelt's relationship to the Youth Congress. In return, she used the media to defend her friends. In her August 8, 1938 My Day column, she expressed doubt that Communists could control a large umbrella organization such as the AYC, and she found it "rather unnecessary" that AYC leader Hinckley felt forced to deny that his group was communistic. Moreover, false statements about herself had made her doubt other press accounts. "It is interesting to be in a position where you have the opportunity of knowing the truth about a few subjects," she

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37 Cohen, When the Old Left Was Young, p. 184.
noted, "but it has its unfortunate side in that it makes you doubt the veracity of so
many things which you read and hear."38

Ignoring the suspicions of its detractors, the Roosevelt administration
maintained a close relationship with the youth movement. As part of the friendly
coopertation with the White House, the Youth Congress dropped its demand for
the American Youth Act, and enthusiastically supported the National Youth
Administration. The relationship peaked in July 1939 at the AYC's Model
Congress of Youth, which featured speeches by Harold Ickes, Aubrey Williams,
and Mrs. Roosevelt, and student condemnations of the anti-New Deal Congress
which had just killed the funding for the Federal Theatre Project and drastically
reduced WPA and PWA funds. The gathering drafted a resolution condemning
all forms of dictatorship, "regardless of whether they be communist, fascist, nazi,
or any other type," and adopted the AYC Creed. Pledging dedication to "the
service of my country and mankind," to "uphold the American ideal," and to
"respect and defend the Constitution," the Creed also directly reflected the

513-514. Again in October, still basking in the warm glow of the World Youth Congress,
Roosevelt appeared at a New York Herald Tribune forum where she praised the
contributions being made by youth and stated her refusal to be intimidated by the
specter of communism. "I'm not afraid of meeting a Communist," she declared, "...I'm
interested in working for democracy. I'm interested in working to make this land a
country where we do not live under fear, but where we work to make life worth while." As for the recent attacks on Nazism and communism, Roosevelt warned, "I think it is
important that we beware lest in suppressing them we suppress some of our own
freedom. We should try to understand what are the objectives of democracy and work
for these. We should take the trouble to defend the liberties we believe are inherent in
democracy." "Liberty Plea Made By Mrs. Roosevelt," New York Times, October 25,
1939, p. 1. On Eleanor Roosevelt's shrewd use of the press, see generally, Maurine H.
Beasley noted that Roosevelt's columns usually omitted information that might place the
AYC in a bad light. In discussing the AYC's 1939 Citizenship Institute, for example, she
concerns of young people coming of age during the Depression by promising: "I will be a social pioneer helping to forge new tools for an era in which education, the chance to make a decent living, the opportunity for health, recreation and culture will assure the fullest development of all." Roosevelt was so pleased with the resolution, that she ordered copies to be mailed out in fund-raising letters in which she praised "the courage of youth." 39

But the friendly relationship between the Youth Congress and the White House was about to run into a serious complication. In August 1939, Nazi Germany and the Soviet Union signed a non-aggression pact that rocked the Communist world. The Comintern shortly reversed its Popular Front policy. Communists who had been working alongside Socialists and other liberal students became anti-New Deal and isolationist. "Youth Congress leaders who had been impersonating liberals," Wechsler later wrote, "abruptly revealed that they were committed to follow the communist line no matter where it led." It was, the New York Times reported, a boon to the Dies Committee. "Disillusioned by the apparent truth of what Mr. Dies has been asserting for many months," wrote Frederick Barkley, "namely that the basic bond between these two ideologies

failed to mention that the students hissed and booed during the President's speech. Beasley, Eleanor Roosevelt and the Media, p. 131.
39 Lash, Eleanor and Franklin, pp. 553-554; Wanderssee, "ER and American Youth," p. 77; Cadden to Roosevelt, June 21, 1939; Congress of Youth Press Release, July 5, 1939; Memo, Roosevelt to Magee (no date), FDR Library, Eleanor Roosevelt Papers, Box 683, File: 100 Cadden, Joseph 1939; Hearings, Testimony of William W. Hinckley, p. 7046.
was far greater than their differences—numbers of Communists, former
Communists, and Communist followers, have come forward to 'tell all.'"\textsuperscript{40}

On October 9, 1939, Kenneth Goff, a former Young Communist League
member, testified before the Committee about the 1936 White House tea party
to which Eleanor Roosevelt invited members of the Youth Congress. Although he
had not been present at the affair, Goff claimed that the AYC was a front
organization at the time, and every one of the guests had been a Communist.
The young Communists, Goff said, later "bragged" of their tea party with the First
Lady. When Dies asked if this gave them prestige among other Communists, he
responded, "Sure. I was looking forward to the day when I could have tea with
her too." The Youth Congress used the tea party, along with a letter of greeting
from the President to an AYC gathering, the witness explained, to reassure
potential members that it was a reputable organization.\textsuperscript{41}

Goff's testimony was basically incorrect and illustrated the hazards of
hearsay. He had not attended the event, basing his testimony on second and
third-hand accounts. Although AYC Communists may have later boasted about
the tea party, in a court of law the rules of hearsay would have prevented Goff
from presenting these statements as "proof of the matter asserted"—that those
attending were Communists and that the AYC was a Communist front. The
organization was not at that time a Communist front, and all the guests were not
Communists. For example, Lash—then a Socialist—had attended the party.\textsuperscript{42}

\textsuperscript{40}Wechsler, \textit{The Age of Suspicion}, p. 71; Frederick Barkley, "Nazi-Red Pact Bolsters
\textsuperscript{41}"Roosevelt Names Used By Red Chiefs, Says Dies Witness," \textit{New York Times},
October 10, 1939, p.1.
\textsuperscript{42}Hearsay evidence is "testimony in court of a statement made out of the court, the
statement being offered as an assertion to show the truth of matters asserted therein,
and thus resting for its value upon the credibility of the out-of-court asserter." \textit{Black's
Law Dictionary} (St. Paul: West Publishing Company, 1979). On hearsay, see generally,
Despite the testimony, the Committee acknowledged that the purpose of the tea party had been to discuss the American Youth Act, and left undisputed Roosevelt's claim that she had no idea whether her guests were Communists. The Committee considered the event to be an example of how the Party used unwitting dupes for its own purposes. Roosevelt, however, publicly defended her guests. She had subsequently come to know several of the AYC members quite well, particularly Cadden and Hinckley, and she knew that they were not Communists. She added, though, that since the Communist Party was a legal political entity with its own candidates for public office, had she believed them to be Communist, she would have invited them anyway. When a reporter observed that Roosevelt often asked Republicans to the White House for tea, she smiled and responded that she never inquired into a guest's politics.43

Two days after Goff's testimony, the Committee heard from retired Army Major Hampden Wilson, now with the Veteran's Administration. Wilson had conducted his own investigation of the Communist influence on college campuses which he used as the basis for his testimony on the ASU. He had spoken with chancellors, deans, department heads, regents, and alumni of fifty American universities, but with not one student or ASU member. His testimony and accompanying report was typical of the kind of evidence on which the Committee had relied the previous year. College administrators may have given him first-hand accounts of their contacts with youth groups, but they became second-hand hearsay once Wilson repeated them for the Committee. To avoid

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accepting hearsay, the Committee should have subpoenaed the administrators and questioned them directly. Unless the Committee directly interrogated these administrators, it had no way of determining whether they had based their information on first-hand accounts or on rumor and innuendo.44

The obvious problem with Wilson's report was his source of information. His method was designed, he explained, "in order that an entirely unbiased cross-section of public opinion might be obtained...." The finding in every case, he concluded, was that the ASU "was the agency used in spreading communism." That Wilson's "unbiased" study should arrive at this conclusion was not surprising. The ASU had been battling college administrators since its founding, protesting tuition increases and contriving anti-war strikes. Administrators considered the ASU to be an organization of rabble rousers, which was reflected in their depictions of the ASU to Wilson. Nevertheless, Wilson noted correctly that the Communist Party used the Student Union to spread its message on college campuses by encouraging students to engage in free speech and peace strikes, participate in off-campus industrial disputes, and create liberal clubs to lobby for curriculum changes that would emphasize "the glories of communism in Russia."45


45 Id. For a description of the animosity expressed toward the ASU by most college administrators, see, Wechsler, Revolt on the Campus, pp. 66-88, 185-198. Wechsler wrote this book in 1935 while he was an NSL member and on the front lines of these campus battles; therefore, his account is one-sided. Philip Altbach and Robert Cohen, however, also address the issue and conclude that administrators, with considerable help from the FBI, made a concerted effort to hamper student activism and the anti-war
Lash officially denied Wilson's claims, telling the press, "the American Student Union is no more a transmission belt for communism than it is for Republicanism, New Dealism, or Moslemism." But Wilson's assertions and Lash's denials were overshadowed by a brief exchange in newspapers between Eleanor Roosevelt and the Committee. Alfred W. Lilienthal, vice chairman of the Provisional Committee for American Youth, an AYC affiliate, had unsuccessfully introduced a resolution at the Model Congress on Youth to oust communists, fascists and Nazis from the proceedings. Now he demanded that Roosevelt explain her continued support of the Youth Congress. In response, Roosevelt stated that although she would not volunteer to testify, if she were asked she would be happy to provide the Dies Committee with any information she had on the AYC. Committee members Starnes, Mason and Voorhis initially replied that they would welcome her, but the next day informed the press that they had nothing to question her about.46

Testimony from Michael Howsowick in late November 1939, continued the topic of Communist ties to the American Youth Congress. A former Communist, Howsowick had been involved mainly in union organization when he was tapped by the Party to do youth work. His testimony reinforced previous witnesses' statements about the CPUSA strategy to infiltrate and control non-Communist organizations. The Party wanted Howsowick to attend the Second American Youth Congress as a delegate. He attempted to convince a Muskegon, Michigan youth group to join the AYC and send him to the convention. When that failed, the Party quickly arranged a seat for him on the Muskegon Trades

movement. Cohen, When the Old Left Was Young, pp. 98 et seq; Altbach, Student Politics in America, pp. 60-61.
Labor Council, and he attended the Second Congress as its representative. Committee counsel Whitley interrupted to ask why the Party was so anxious for him to appear as a delegate at the Congress. "Well, for one thing," Howsowick replied, "we were going to bore in from top to bottom." 47

The Muskegon Trades Labor Council sent Howsowick to the Second Youth Congress not knowing that he was a Communist or that the Communist Party had its own agenda. Meanwhile, Communists within other trade unions and youth organizations pushed their groups to elect them delegates to the Congress. Meeting privately in "fraction" meetings in advance of the Congress, these delegates developed plans reflecting Communist Party goals, rather than those of the organizations they ostensibly represented. Without noting that it was a Communist Party product, once at the Congress, the secret Communist delegates introduced their program, then claimed that they had the backing of the hundreds if not thousands of people they represented within their respective organizations. In this manner, the Communist delegates would sway the undecideds into voting with them, the putative majority. 48

Howsowick acknowledged that the majority of the people attending the Second American Youth Congress were neither Communists, nor sympathizers, nor even aware that Communists were infiltrating the conference. All Party activities, even the fact that some delegates were Communists, were kept secret. But Communist influence involved more than simply presenting a program developed at fraction meetings. "We make the most noise, and we talk the loudest," the witness explained, "and we know parliamentary procedure ...." 49

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47 Hearings, Testimony of Michael Howsowick, pp. 6950-6953.
48 Ibid., pp. 6956-6957.
49 Id.
As evidence, Howsowick provided a copy of the instructions from the Communist Party’s District Plenum of June 1935. The first step, as dictated by the Party, was to elect representatives to the Congress “from all organizations in which we have influence.” But the main goal was to “…[c]arry the program from the top leaders of the YMCA, etc., down to the membership, and actually win them for the Congress program.” Following their instructions, the Communist delegates caucused before the Second Congress and decided to oppose the Socialist agenda and prepare their own “declaration of rights.” After the Congress adopted their “declaration of rights” the Communist group came away “elated,” Howsowick said, because “we gave those Socialists a real licking on the program.”

Howsowick offered the best first-hand account—supported by documents—that the Committee had heard about Communist tactics to manipulate and control an organization. Yet it failed to ask the crucial questions that would prove whether Communists actually dominated the Second Congress. The alleged front group usually argued that Communist presence did not necessarily mean Communist control. From the Committee’s and the Communist Party’s point of view, any organization could be controlled by a small number of people in key positions—which was the point that Mathews had been hammering since 1938 and had been echoed by multiple witnesses including Howsowick. But such a judgment required a determination of what was meant by “control” or “domination.” Howsowick never offered, and the Committee never asked, for details of the Communist program allegedly adopted by the Second Congress. The instructions developed at the District Plenum in June never stated what its “program” entailed, only that the Party should work to see that it

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50 Ibid., pp. 6954-6955.
was successfully achieved. And Howsowick never presented the text of the "declaration of rights." As long as the Party's goals were identical to those of the AYC, it would be difficult to claim Communist control. Such domination could be proven only if the Party succeeded in passing a program incompatible with the AYC's position. But the Committee failed to inquire into this issue with the witness, leaving the impression that acceptance of the Communist program by the majority of the AYC was the same as Communist control of the entire organization. 51

For fifteen months the AYC and the ASU had been complaining publicly about claims made by Dies Committee witnesses, and asking for a chance to refute the charges. Meanwhile, the youth groups deftly exploited their role as a courageous band of young people fighting for peace, racial equality and a better life for youth while battling the forces of reaction. Dies became the main adversary in this epic struggle. Few meetings, press releases and bulletins passed without a reference to the Committee. "Not daring to attack us on our activities or program," read one typical ASU report, "the false issue of 'communist-domination' is raised." During "Civil Liberties Week" the ASU suggested that among its activities local chapters might consider performing skits on the Dies Committee since "the testimony lends itself to satirization." In an NBC radio address, AYC chair Jack McMichael accused Dies of having forfeited his southern chivalry when "his committee smear[ed] the name of our beloved

First Lady...." He went on to accuse the Committee of engaging in a "witch hunt," of practicing "government by committee and terrorism," and slandering people then hiding behind congressional immunity.52

As satisfying and entertaining as these attacks may have been, the leadership of the two youth groups wanted primarily a chance to defend themselves. At the end of November 1939, the Committee issued subpoenas to Lash and former AYC Executive Secretary Hinckley. The two were accompanied by current AYC Executive Secretary Cadden and AYC Chairman Jack McMichael. When the hearing notice arrived, the group had fewer than twenty-four hours to pack and travel from New York to Washington. The short notice not only increased the witnesses' feelings of persecution, but hampered the investigation since the witnesses did not have enough time to gather documents relevant to their testimony. The young people sought advice from the First Lady. Meeting them at 11:30p.m. on a platform in Penn Station, she advised them to answer all questions freely, to volunteer information, and above all, to refrain from exhibiting hostility. Bolstered by her support, the group headed south.53

The day the AYC was to appear, Eleanor Roosevelt, alone and unannounced, entered the hearing room. With all heads turned and flashbulbs popping, acting chair Starnes interrupted the proceedings: "I notice the presence here of the First Lady of the Land. I would like to invite Mrs. Roosevelt to come

52 "No Lights Out Here." ASU Bulletin, November 8, 1939, FDR Library, Joseph Lash Papers, Box 62, File: Dies Committee; McMichael, "What Does American Democracy Mean to Me?" FDR Library, Eleanor Roosevelt Papers, Box 683, File: Cadden, Joseph, 1939.
around and sit with us at the committee table, if she will." Roosevelt politely declined, stating, "I just came to listen." She then sat among the AYC members until the hearing adjourned. Her visit surprised the Committee and generated front page headlines. The press was particularly amused when Roosevelt invited six AYC officials to the White House for lunch. The reason for her appearance, she later explained, was that she had heard the Committee was often hostile toward groups or individuals with "little influence or backing." "If there is one thing I dislike," Roosevelt wrote, "it is intimidating people instead of trying to get at the facts." She hoped that her presence would force the Committee to treat the AYC fairly. "Because I dislike Gestapo methods in this country, I have never liked that kind of congressional committee," she remarked. "I doubt that they ever harm the really powerful, but they do harm many innocent people who are unable to defend themselves." 54

Hinckley, former Executive Secretary and Chairman of the Youth Congress, was the first witness to testify. 55 Since he was not presently an

55 Before calling Youth Congress officials, the Committee heard from two witnesses. The first, Leon P. Smith, was Dean of Students at the University of Chicago. He testified about the size and activities of the ASU on the Chicago campus. Although he believed that Communist control of the ASU had been inconsistent over the previous three years and that they comprised only a minority of the ASU at any given time, Smith nevertheless asserted that they "definitely influenced" its program. He offered no evidence for his assertions other than to claim that past and present members of the ASU executive committee had also been members of the University's Communist Club. When attempting to specifically state how many executive committee members were in the Communist Club, he presented an article from the University's paper, the Daily Maroon, and acknowledged that this source was "not thoroughly reliable." Smith was the type of witness that infuriated Committee critics. He testified about topics on which his personal information was, as he admitted at various times, "sketchy," "none too familiar," and "hazy." As an administrator, moreover, Smith may have been biased
officer, he asked to be joined by McMichael and Cadden, neither of whom had been subpoenaed. As usual, Rhea Whitley led the questioning, although Committee members freely and frequently interjected their own comments. Whitley commenced by asking about the origins of the AYC. Hinckley listed the group’s officers and the organizations they represented, and provided basic information about the Congress’ structure. This was typical fare for Committee hearings—reading the organization’s constitution into the record, reviewing finances, and providing circulation figures for the Youth Congress’ official organ, Youth.56

Hinckley then read the list of diverse AYC-affiliated organizations, including the American Student Union, the American League for Peace and Democracy, the American Law Students Association, the Association of Lithuanian Workers, the Fellowship of Reconciliation, the International Fur Workers Union, the United Auto Workers, the Young Republicans, the YMCA, and the Girl Scouts of America. Howsowick had already testified that the CPUSA maneuvered unions to send representatives to the AYC in an effort to increase Communist influence. After Hinckley read this list, therefore, Committee members inquired about the presence of so many adult trade unions.

against the organization. When asked to describe ASU activities that the university found objectionable or embarrassing, he immediately responded that the ASU had organized a student strike in response to a tuition increase. Hearings, Testimony of Leon P. Smith, pp. 6975-6984. The second witness was William Nowell. A former Communist, Nowell primarily discussed his work in trade unions and the American Negro Labor Congress. Nowell stated, however, that according to knowledge he had gained “through the interlocking of the high committees of the Communist League and Communist Party,” the Young Communist League had been instructed to infiltrate the ASU as part of the Party’s youth program. Hearings, Testimony of William Odell Nowell, p. 6994.
Hinckley responded that these unions counted among their members many people under thirty. Because they were not affiliated with any other youth group, the only way the AYC could reach these young workers was through the unions. Whitley then turned to the size of AYC membership. Hinckley, while admitting that the AYC "had to go through a lot of mathematical gestures" to arrive at the number, placed its membership at 4,697,615. The Youth Congress was an umbrella organization and these numbers reflected the sum of the membership of all the groups affiliated with the AYC. It was likely, therefore, that many individuals associated with an AYC-affiliate had no idea that the AYC included them among its members.57

Whitley next asked about the organization's program. In reply, Hinckley read the patriotic "Creed of the American Youth Congress." But this was not what Whitley had been fishing for. He wanted specific examples of AYC actions to implement its agenda. Because Hinckley had not been involved with the Youth Congress for a year, Cadden answered. On the national level, Cadden explained, the AYC lobbied on behalf of its own legislative agenda, which included federal aid to education and health facilities, and the extension of the WPA and the National Youth Administration. The Youth Congress was also attempting to coordinate national youth organizations and work with community groups to improve conditions at the local level.58

56 Hearings, Testimony of William W. Hinckley, pp. 7035-7039, 7041-7047.
57 Ibid., pp. 7039-7042.
58 Ibid., pp. 7046-7050.
Cadden's answers depicted the Youth Congress as a partner in the New Deal; Whitley sought indications of the group's Communist inclinations. The Nazi-Soviet Pact had begun to cause tensions within the AYC ranks, but the rift would not be evident until later that winter. Whatever answer Whitley had hoped for was not going to come just yet. Still, Hinckley understood the implication of Whitley's question and, in reply, he raised the issue of the Committee's January 1939 Report which accused the AYC of being a "red' front." Hinckley denied the charge, then read an AYC petition currently circulating that called for the discontinuation of the Dies Committee. Accusing the investigation of being un-American in its attempt to discredit progressive organizations "under the cloak of a drive against foreign agents," the petition alleged that the Committee intimidated members of targeted organizations, improperly seized records, issued improper subpoenas, conducted hearings marked by hearsay and slander, and refused to allow named individuals a chance to defend themselves. The Committee, it concluded, had misused its congressional powers to "provok[e] a war hysteria with witch-hunting methods."59

In this one paragraph the AYC managed to express each of the major criticisms most frequently leveled at the Committee. Although these aspersions were standard fare for liberals, presenting them in the context of a hearing had usually been a tactical mistake. In the past, such witness-issued challenges

59 Ibid., p. 7047. The AYC petition contained two resolutions, the first was a call to the House of Representatives to discontinue the Dies Committee. The second asked for support of the La Follette Civil Liberties Committee as an example of a "careful, constructive investigation of activities detrimental to American democracy." The Youth Congress members may not have been aware of the animosity that several members of
were the quickest way to incense Committee members, guaranteeing an angry
rebuke and putting the congressmen in a sour mood for the remainder of the
hearing. Fortunately for Hinckley, in this instance Eleanor Roosevelt's presence
probably prevented an overtly hostile reaction.60

The Committee, however, defended itself. Whitley reminded Hinckley that
former Communist witnesses had testified that although the AYC did not begin
as a Communist organization, Communists had quickly come to dominate and
control it. Cadden asked Whitley whether any witness had presented evidence
to prove their claims. They had not presented any documentary evidence.
Whitley answered. Cadden responded, "Evidence of any kind?" But as Whitley
pointed out, sworn witness statements are evidence—a fact usually ignored by
Committee critics. Then Voorhis and Starnes reassured the witness: "there has
been no charge that your membership generally is communistic." They observed
that the previous witnesses had been asked whether the majority of the AYC
membership was Communist, and each answered that the Communist presence
constituted a minority at most. But Hinckley's objection was to the contention
that a small Communist minority controlled the AYC.61

After mischaracterizing Hinckley's objection, Starnes complained that
some statements in the AYC petition were libelous, warning, "We think you ought
to proceed on the basis of fact, not on assumption or on misrepresentation...I
just want to tell you these things, gentlemen, in order that your statement here

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the Dies Committee felt toward the La Follette Committee, but this statement
undoubtedly rankled at least some of those present, including Joe Starnes.
60 Id.
61 Id.
can be tempered with some degree of truth and justice and a spirit of understanding." Starnes was reacting to the overwrought language of the petition, especially the charge that the Committee was "provoking war hysteria," but also to the sweeping charges of issuing "faulty subpoenas" and accepting "surmise instead of evidence." It is in the nature of petitions that they do not include any evidence, only conclusions. Nevertheless, in issuing the petition, the AYC employed the same kind of tactic it accused the Committee of using—it offered broad conclusions with no supporting evidence. Moreover, AYC officials indicated that at least in some instances, they based their conclusions about Committee procedure on press reports rather than actual hearing transcripts.62

61 Ibid., pp. 7051, 7047, 7053.
62 Ibid., pp. 7051, 7047, 7053. In particular, Hinckley objected to the statements of Kenneth Goff as reported in the press. Hearing transcripts were available to the public, one merely needed to request one. Hearings, Testimony of William W. Hinckley, p. 7053. The resolution proved to be a misstep not simply in that it angered the Committee. Among Eleanor Roosevelt's many favors to the AYC, she managed to finagle a commitment from Bernard Baruch to fund the group. This was no small task at a time when the Youth Congress desperately needed money to keep the organization afloat but was under attack from the Dies Committee. Baruch was incensed by the AYC resolution because it attacked the Committee's work as a whole, rather than specifically discussing "what they had done to you which you knew absolutely." Liberals may have despised the Committee, but it was extremely popular among most Americans. Baruch worried that because the Committee had successfully challenged German-American Bund Fuehrer Fritz Kuhn and CPUSA leader Earl Browder, condemning it would frighten away potential donors. Cadden to Roosevelt, March 21, 1939. Roosevelt to Cadden, December 10, 1939. FDR Library, Eleanor Roosevelt Papers, Box 683, File: 100 Cadden, Joseph 1939. Like the AYC, when condemning the Dies Committee, the ASU sometimes employed the exact tactics of which the Committee was guilty. In its Proceedings of the 5th Annual Convention, the ASU said that the Committee lived by the rule: "Do not prove your charges. Repeat them." Then, offering neither elaboration nor evidence, it accused the Committee of hearing "slander from strike-breakers, anti-Semites, and murderers," and that it had "backing from those same powerful interests that brought fascism to Germany." Proceedings of the Fifth Annual Convention, ASU, December 27-30, 1939, p. 4, FDR Library, Joseph Lash Papers, Box 21, File: ASU General 1939.
The Committee had the upper hand in this argument. But it proved to be its own worst enemy by seeming intent on shutting down all criticism from its young witnesses. Once Starnes finished defending the Committee against the charges in the petition, he attempted to move the proceedings along. McMichael interrupted and asked, "Will you let me reply to that point?" "There is no need to speak to that point," Starnes answered, "I am just giving you information." "You said you were interested in giving information," McMichael responded, "so I thought you might let me give you some." But, reinforcing the Committee's new commitment to preventing witnesses from presenting prepared statements, making speeches, or saying anything other than in reply to a direct question, Starnes said, "In response to counsel's questions, please give any information you have." He then added that any group or individual that felt they were "placed in an unjust position" by the Committee would be allowed the opportunity to appear and "state under oath what their real position is." Starnes apparently did not notice the contradiction between his offer to allow an aggrieved group or individual to state their real position and the Committee's new rule requiring witnesses to respond only to direct questions.63

McMichael seized Starnes' offer to state his "real position," replying, "If that is so, I think you will be glad to have me speak to that point." "That is all we are interested in on that line," Starnes answered. "Mr. Counsel, are you ready to proceed?" McMichael was insistent. He pointed out that the AYC had asked for an opportunity to answer charges against them fifteen months earlier. "And I

was glad to afford you that opportunity," Starnes replied disingenuously. He claimed the Committee had subpoenaed the AYC leadership as quickly as it could, but this mattered little when charges that the organization was Communist-controlled went unanswered for fifteen months. Moreover, the Committee’s January Report to the House of Representatives repeated these charges as fact before hearing from a single AYC member.64

Although Starnes insisted that the witness offer no statements and only answer direct questions, in the end the witnesses were asked about the specific earlier testimony to which they objected. Hinckley denied that he and Cadden were Communists, a charge made by Kenneth Goff. Hinckley also denied the Goff allegation that Communists dominated the Youth Congress.65

These objections highlighted a weakness of the procedure employed in congressional investigations, as opposed to a court of law. The Committee had often insisted that its job was not that of a prosecutor and that it was only interested in uncovering the truth, wherever it might lead. But its records and investigator reports make it clear that the Committee was interested in proving the guilt of these groups, not their innocence. Only the “prosecutorial” side was ever consistently presented. This inherent unfairness was compounded in instances when it took many months before the aggrieved party was allowed to present a “defense.” When finally given their “day in court,” the AYC leaders did

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64 id.
65 ibid., p. 7053.
what any defense attorney would do—they attempted to impeach Goff's testimony.\textsuperscript{66}

Goff had worked for the Milwaukee Youth Congress as an "office-boy." Although Hinckley had only met Goff in passing, he said he considered him to be "a poor, unfortunate young fellow demoralized by years of unemployment and hard times." Hinckley believed that Goff had hoped that his testimony would be "a road to publicity, fame and a job." Goff's biggest obstacle to finding steady employment was the fact that he had lost a leg in an accident, said Hinckley, and the AYC had collected money to help purchase a prosthesis for him. Ultimately, however, Hinckley's assessment consisted of nothing more than the personal opinion of someone who barely knew Goff. He offered neither specific incidents nor any other information that would provide a basis for his bald assertion that Goff was seeking publicity by testifying.\textsuperscript{67}

Cadden had worked in the Milwaukee office and knew Goff better than Hinckley. His opinion was the same. Goff, claimed Cadden, was a "very disillusioned and a very unsteady, unbalanced kind of fellow." But as an illustration of his instability, Cadden referred only to Goff's Committee testimony that Communists controlled "every youth organization in the country with the exception of the Boy Scouts and the Catholic Youth organization." Voorhis responded that Goff had said that Communists were attempting to infiltrate and control these organizations, not that they had already done so. It was neat

switch. The Committee was insisting that there was a difference between a 
Communist presence and Communist control, while Hinckley and Cadden 
attempted to discredit an earlier witness with nothing but assertions.68

On somewhat firmer footing, Cadden next complained about the 1938 
testimony of Mathews, Steele, and Chaillaux, the three witnesses on which the 
Committee's January Report had been based. Cadden insisted that they had 
thoroughly searched AYC records and had unearthed no evidence of a 
connection between Mathews and the Youth Congress. Again, unfortunately for 
Cadden's argument, a closer reading of Mathew's testimony would have 
revealed his statement that he had sponsored and attended the Student 
Congress Against War in 1935, and that he had spoken before the National 
Student League and at the University of Virginia during the ASU's 1935 anti-war 
strike—all of which was true. But Mathews never alleged that he had a direct 
connection to the Youth Congress.69

Chaillaux, the American Legionnaire, and Steele, the magazine editor, 
Cadden groused, "did not even pretend to have any first-hand knowledge or 
connection with the American Youth Congress, but reported on the hearsay that 
had been passed along to them about us." Whitley made no attempt to deny 
these statements, but maintained that former Communist witnesses had made 
similar statements to the Committee. In particular, Whitley recalled the 
testimony of William Ryan, who had never been a member of the AYC or the

67 Hearings, Testimony of William W. Hinckley, pp. 7053-7054.
68 Id.
ASU. But, as a former Party member, he explained that it was common knowledge that both groups were Communist fronts. His description of how Communists seized control of an organization matched Howsowick's. Cadden objected on the grounds that Ryan had no direct contact with the organization. Regardless, the Committee accepted Ryan's characterization of the Communist Party's attitude toward the AYC. It did not matter whether Ryan was an AYC member because membership would not provide any insight on Communist infiltration methods—only being a CPUSA member would do that. Most AYC members had no knowledge about the degree of Communist activity within the organization.  

After listening to the witnesses' complaints the Committee had discovered nothing new about the organization, but AYC officers were at least allowed to address the charges against them. Youth Congress officials were also pleased, as Hinckley noted, with the "hefty blow" Eleanor Roosevelt had delivered to the "gruesome feeling of hatred and intolerance in the air" by the fact of her presence in the hearing room. All commentators agree that this day's testimony achieved a level of civility usually lacking at Dies Committee hearings. The Committee found Roosevelt's attendance disconcerting, especially when she moved from the audience to the press table during AYC testimony. She later wrote that she did this when the questions became "particularly harsh." "I took a pencil and a piece of paper," she recalled, "and the tone of the questioning

changed immediately. Just what the questioner thought I was going to do I do not know, but my action had the effect I desired."\(^7\)

If Roosevelt's intent was to ensure that the AYC was treated fairly, she succeeded. She was moved to remark in her "My Day" column that the Committee had been "courteous and helpful and in every way attempted to inspire confidence and bring out the truth." Whereas she had previously criticized the Committee's use of "Gestapo tactics," she now praised it for offering "an extremely heartening exhibition of government operating helpfully."\(^7\)

Despite the civil tone of the proceedings, one inescapable fact was that the AYC officers appearing before the Committee had lied. Hinckley and Cadden swore that they were not Communists, and that the AYC was not a Communist-dominated organization. Wechsler, however, later wrote that from the time of the founding convention, "the machinery of the Youth Congress was

\(^7\) Hearings. Testimony of William W. Hinckley, pp. 7054-7055; Testimony of William Ryan, pp. 6921-6923.


\(^7\) Id. In 1940, Roosevelt was surprised at the suggestion that her presence at the hearings prevented the Committee from pursuing the AYC as aggressively as it wanted. She responded that she could not "for a minute entertain the thought that a congressional committee...would put consideration of any woman, no matter to whom she might be married, ahead of duty to the nation as a whole." Roosevelt, My Day, pp. 172-173.
securely in communist hands, but that fact was disguised more skillfully than in many other front organizations.\textsuperscript{73}

It was a fairly simple matter for the Party to control a federation like the AYC. The process began in the affiliated organizations, where using the proven techniques of volunteering and out-organizing, Party members moved into delegate positions—as Howsowick had described. Wechsler asserted: “that summer of 1934…members of the communist fraction posed as simple peasants from the hinterland to obtain top posts in the structure of the organization.” Most of the AYC committees, where much of the organization’s work occurred, were packed with Party members or fellow travelers. As a result, at the Second American Youth Congress in 1935, a Communist-liberal alliance, in opposition to Socialists, won acceptance of a “Declaration of the Rights of Youth,” which supported the Soviet Union in its “struggle for peace.” At the Second World Youth Congress in 1938, the AYC successfully proposed a “Peace Pact” as a commitment to Communist-favored collective security. And at the Fifth American Youth Congress in 1939, although Communists had enough delegates to defeat the motion, they allowed the passage of the resolution against dictatorship—the one that Eleanor Roosevelt found so gratifying—in order to hide their presence. To deflect suspicion, however, the Young Communist League objected and voted against the resolution.\textsuperscript{74}

\textsuperscript{73} Wechsler, The Age of Suspicion, pp. 71-72. Hinckley’s and Caden’s denials of Communist influence can be found at Hearings, Testimony of William W. Hinckley, pp. 7053, 7056.

\textsuperscript{74} Lewy, The Cause That Failed, pp. 30-32; Ottanelli, The Communist Party of the United States, pp.169-171; Cohen, When The Old Left Was Young, pp. 234-235.
The primary reason that Communists were able to carry all this out secretly and successfully was that the Popular Front enabled them to take positions that had significant non-Party support. "...[T]he camouflage would never have worked so well," said Wechsler, "if the times had not been favorable for the flowering of such a movement." Communities were not alone in their fear of fascism and belief in collective security as the best solution to the threat. During the Popular Front, Communists skillfully hid their Party affiliations, played to the public's fears, and attracted liberals to organizations that were essentially under their control. "Every bit of radical language in the Communist's program," Hal Draper would observe, "was carefully translated into vague liberales or unceremoniously abandoned or repudiated." In other words, they behaved in ways that the Dies Committee claimed they did.75

Adding to the deception, Communists managed to convert liberals and many Socialists to their cause—also secretly. Gil Green, a former leader of the Young Communist League, whom Draper would describe as having been "handpicked for woodenheaded docility to the party line," claimed that after he left the Party, the CPUSA had recruited every AYC leader into its ranks one by one:

Waldo McNutt [the first AYC chair] was recruited into the party. Bill Hinkle, who became the [second AYC chair] was recruited. Joe Cadden after him was recruited. And Jack McMichael [the last AYC chair] no, but he was very sympathetic. He was very very close [to the CP]. And I could mention a whole number of others.

And while in November and December 1939, the extent to which the Youth Congress was following the Communist Party’s dictates was not quite obvious, it soon would be.76

Next day was Lash’s turn before the Committee. His appearance came at the worst time for him. Although he was on the executive board of the Youth Congress, the Committee was interested only in his role as executive secretary of the American Student Union. Lash understood that as a coalition of Communists and Socialists, his organization was more vulnerable than the Youth Congress. Moreover, the Nazi-Soviet Pact had created an internal rift which the ASU was still attempting to repair. But Lash considered these problems to be a “family matter,” and was loath to aid the Committee by publicly airing their internal battles. “When one’s political opinions are in a violent state of flux,” Lash wrote Eleanor Roosevelt, “one should go to a hermitage rather than before a congressional committee.”77

The ASU had begun as a union of Communists and Socialists, but the two groups battled each other from the beginning. During the Popular Front a faction of Socialists and pacifists supported American neutrality, while Communists and liberals favored collective security to oppose fascism. When the Spanish Civil War began collective security became the Socialists’ undoing. Students comprised a large percentage of the Abraham Lincoln Battalion, and ASU

76 Gil Green quoted in Cohen, When the Old Left Was Young, p. 234; Draper, “The Student Movement of the Thirties,” p. 164.
members were a large percentage of the students. Moreover, all ASU executive board members had friends fighting in Spain, many with the Lincoln Battalion, which had suffered heavy casualties. The war was a very emotional and important cause for them. Although pacifists and most of the Socialists continued to argue for strict American neutrality, Socialists Lash, Molly Yard and Agnes Reynolds now supported the Communists' call to lift the embargo against Spain and arm the Loyalist forces the better to fend off fascism. The debate over collective security and the related issue of retaining the Oxford Pledge exploded at the ASU's Vassar convention in December 1937. Two months after the President's "Quarantine speech," Lash, along with ASU liberals and Communists, won the bitter debate. The ASU abandoned the Oxford Pledge and officially threw its support behind collective security. By 1938, a Communist-liberal coalition controlled the ASU, but this was not a result of Communist backroom maneuvering. Put to the general membership in a referendum, the vote was overwhelmingly in favor of collective security. Under the auspices of the Popular Front, the ASU now mutated into a pro-New Deal organization. "The student movement," decried Socialist Draper, "was now completely respectable, completely pro-administration, and completely emasculated." The ASU also readjusted its focus, concentrating less on international relations and more on campus issues.78

77 Lash to Roosevelt, December 6, 1939, FDR Library, Eleanor Roosevelt Papers, Box 693. File: Lash, Joseph 1939.
The Nazi-Soviet Pact destroyed the Communist-liberal alliance. Initially, Lash had hoped to take no position on the Pact. ASU Communists agreed to abide by Lash's stance at the September 1939 Planning Meeting, but only because they had not yet received instructions from the Party about its new position. Once instructed, they changed their opinions overnight. They now repudiated the decision made at the Fall Planning Meeting, openly supported the Nazi-Soviet Pact, rejected collective security and began to clamor for isolation. Lash, who had become so close to his Communist colleagues during the Popular Front that he had even considered joining the Party, now, along with Yard and Reynolds, led the ASU opposition to them. Relationships disintegrated as Communists denounced their friends who remained opposed to the Pact. "Staff people make speeches embodying a line that is reminiscent of the CP," Lash wrote Bill Hinckley. "All the independents in the ASU wonder where the hell the change is coming from." Although the vast majority of the ASU rank and file, some 20,000 members, had been fighting fascism too long to support the Pact, the Communist bloc had the better organization. Communists had placed Party members in positions of power at a grassroots level nationwide. Control was based on organization, and as several Committee witnesses had attested, no one organized better than the Communist Party. Lash attempted to fight the rising Communist tide by leading the opposition ASU liberals. "I am leading a one man struggle," he told Hinckley, adding that he had never written so many letters in his life. "If the YCL succeeds in changing the ASU line," Lash bemoaned, "it seems to me that the ASU is finished as a united organization—it
will then become nothing but a communist front in truth." This was the position in which Lash found himself when he received the Committee's subpoena.79

Adding to Lash's troubles was his concern that he might be placing Eleanor Roosevelt in an awkward position. She would again attend the hearing. Although he served on the AYC's national board and had attended AYC functions with her since the day of the "red tea party," before the hearings Lash did not know Roosevelt personally. His main activity had been in the ASU, which, although an AYC affiliate, was widely considered the more radical of the two organizations. As ASU executive secretary, Lash made several overtures to Roosevelt, seeking financial contributions and her participation at ASU functions, but she had always politely declined. Now he was in a position to expose Communist machinations within his organization and help provide more fuel for the Committee's fire. But Lash was also painfully aware of what such a revelation would do to Roosevelt, particularly in light of Aubrey Williams' warning the night before his Committee appearance. After dining at the White House with the Roosevelts, Williams, actor Melvyn Douglas and his wife Helen Gahagan, the students told Williams of their gratitude for Roosevelt's unwavering support. He "fixed them with a piercing stare" Lash later recalled, and said, "Don't let her down, it will break her heart."80

80 Lash, A Friend's Memoir, pp. 7-8, 10-11, 13, 15; Lash to Roosevelt, April 27, 1939; Roosevelt to Lash, May 12, 1939; Lash to Roosevelt, November 7, 1939; Roosevelt to Lash, November 10, 1939, FDR Library, Eleanor Roosevelt Papers, Box 693, File: Lash Joseph 1939.
As if these concerns were not sufficient, Lash was also challenged by a change in personnel from the previous day’s proceedings. Because Dies remained at his home, ill, Starnes was acting chair. Mathews, however, had assumed the role of lead interrogator from Whitley. The hearings now became more personal. Mathews had run the gamut of liberal-left organizations from La Follette progressivism to socialism to communism, and was also a veteran of dozens of Communist front groups. Similarly, Lash was a Socialist who became a “non-Party Communist” after his return from Spain. He was waiting only for his ASU term to end before officially becoming a Communist Party member, and had been considering a job at the Daily Worker when the Nazi-Soviet Pact was announced. In sum, Lash and Mathews had traveled the same ideological paths, and their professional paths had occasionally crossed. When they met in the Committee room that December, Mathews had taken his turn to the right, and was confronting Lash at a time when the younger man felt burdened by his past compromises with Communists. Mathews, already considered to be the Committee’s most aggressive interrogator, understood the battles Lash was fighting at the ASU and exploited them relentlessly. In Eleanor Roosevelt’s estimation, the hearings now assumed a more antagonistic quality. Mathews’ “whole attitude, tone of voice and phraseology,” she wrote, “made one feel that a prisoner, considered guilty, was being tried at the bar.”

Mathews opened by examining the ASU’s internal strife. In particular, he inquired into Lash’s break from the Socialist Party in 1937, two months after he returned from Spain. Mathews asked Lash whether he had stated in his resignation letter that he “anticipated being widely suspected of having become a Stalinist.” Although it had been published in the New Masses, Lash claimed not to remember the letter. Reflecting Committee disorganization, Mathews could not directly confront Lash because he did not have the letter with him. The next day, however, he entered the letter into the record. In it, Lash said that after resigning from the Party, “I suppose I shall be denounced up and down the land as a Stalinist.” Lash was probably being disingenuous when he claimed not to recall his statement, but Mathews was being equally disingenuous by ignoring the first part of Lash’s statement that, in Europe, he still would be considered a dedicated Socialist. In his testimony, Lash further explained that he left the Socialist party because it was “subordinating the interests of the people as a whole in the interests of factional political considerations.” Specifically, American Socialists refused to join the Loyalist cause.82

Attempting to illustrate the central role that Communists played in the ASU, Mathews turned to the organization’s origins. He backed Lash into a corner. The NSL and SLID had been natural rivals, but Lash, SLID’s national secretary, had early advocated a unified mass student movement by setting aside sectarian differences and focusing on common goals. Still, most of SLID’s Socialists had felt uneasy about an alliance because of the influence that the

82 Hearings, Testimony of Joseph Lash, pp. 7062-7063, 7095-7096.
Communist Party, in the form of the Young Communist League, wielded over the NSL. Mathews understood this perfectly, and also that the NSL increased the pressure for an amalgamation as part of the Popular Front. When pressed by his examiner, Lash admitted that Communists had been active in and "had a great say in the policy of the NSL," and, after Mathews refused to drop the question, that he may have stated in 1935 that the Young Communist League dominated the NSL. When the idea of an amalgamation first arose, Lash explained, choosing his words carefully, he had opposed the idea because he did not "trust the people making the proposal." By this statement, Mathews asked, did he mean to imply the people making the proposal were Communists? "No," Lash replied, "I refer to the leaders of the NSL, whoever they may be."83

Although Lash tried desperately to finesse the question, he had left a paper trail. Mathews pressed his advantage. He confronted Lash with editorials in SLID's journal, Student Outlook, appearing while Lash was editorial board chairman. These editorials asserted that the Young Communist League dominated the NSL. Therefore, the Student Outlook, while supporting temporary alliances, had opposed an official, permanent amalgamation. Any union between the two groups, one editorial had continued, would result in a bitter struggle for control. Faced with this evidence, Lash admitted that, at the time, he had not trusted the NSL. Its eagerness for a union reflected recent Comintern policy changes, he had believed, and policy could as easily change again. Lash had even titled an article on the NSL's unscrupulousness: "Stalin Robbed

83 Ibid., pp. 7063-7066.
Banks." While acknowledging that he had at first distrusted the NSL, Lash now insisted that Communists were not in the ASU majority. The organization consisted of thousands of liberals—it was a mass movement. As long as Communists accepted the majority will regarding the ASU program and worked to implement it, Lash reasoned, then "it seems to me that we have no alternative but to accept their support on these points." Now that he was confronted with what he had initially feared, another radical shift in Comintern policy (the Nazi-Soviet Pact) that could potentially change the policy of the Communists in the ASU, Lash told the Committee, "The easiest thing, would be to sacrifice the Communists to the lions right now...but I think it would be completely unfair to their attitude of cooperation in the American Student Union to do that." What Lash did not tell the Committee was that their "attitude of cooperation" had already changed and was even then tearing the organization apart.84

Hiding the truth and defending his Communist colleagues, Lash admitted that the Nazi-Soviet Pact might yet signal a change in the attitude of the Communists, at which point

...all of us who...are in the leadership of these organizations, have a responsibility to the membership to see that the organization remain absolutely steadfast and firm in their loyalty to American principles and in their desire to see progress achieved only within the framework of the American system regardless of what controversies that may bring with Communists now.

But Voorhis rejected this argument, telling Lash, "To attempt to make a united movement for the preservation of democracy and democratic principles...and attempt to include in it people who just do not believe in it, and whose

84 Ibid., pp. 7066-7072.
tactics... may change overnight, I do not see how your movement generally can be successful under those circumstances.” “Voorhis was right,” Lash would later write, “but I was not yet there in my own thinking. It would take me another year to reach that conclusion.”

By deconstructing the short history of the ASU, Mathews sought to illustrate how Communists had transformed the organization step by step into one more front group. Lash’s statements about Communists abiding by majority rule presupposed that the Party had been unable to manipulate the ASU membership into passing resolutions that conformed to the Party line. Now Mathews undermined that assumption by citing membership figures. When the ASU began, the NSL brought 600 members into the organization, compared to SLID’s 2,000 to 2,500, and an even larger number of unaffiliated liberals. Despite the numbers, Mathews observed, Communists received a disproportionate eight positions on the national committee, compared to twelve for the Socialists and ten for the unaffiliated members. Mathews then forced Lash to acknowledge that it was common for Communists to conceal their party affiliation, implying that the ten independent national committee members might also be Communists.

If Lash had hoped to avoid admitting to the Committee the full extent of Communist influence within the ASU, he was not succeeding. Although

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86 Hearings, Testimony of Joseph Lash. pp. 7074-7078. Robert Cohen addressed the issue of unequal apportioning of ASU leadership among the different blocs. Although liberals were in the majority of the organization, all six salaried ASU positions were
Mathews allowed him to discuss his organization's political and cultural activities without interruption, he quickly found himself mired again in the question of Communist control. Mathews returned to the offensive, this time regarding the Peace Strikes and the Oxford Pledge, and asked first why the ASU had stopped calling its anti-war gatherings "Peace Strikes." Lash dismissed the question by answering simply that a group called the United Student Peace Committee, of which the ASU was a member, presently organized the strikes, and it had decided to call the protests "get togethers." The name change did not occur until 1939, and the entire event had become "so traditional that in a university everybody there [including administrators] participates in those demonstrations."

Draper later wrote, however, that Mathews' version of events was more accurate than Lash's. The name change was a product of the "Communist line against militancy," and had begun showing up in some colleges by 1936. The only universities that still engaged in "Peace Strikes" were those where the local ASU chapter was still dominated by left-wing Socialists. Participation of university administrators was a sign of the success of the Communists' "de-ideologizing" strategy. Mathews was attempting to make Draper's point, but he had little evidence on the topic.87

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87 Hearings, Testimony of Joseph Lash, pp. 7080-7081; Draper, "The Student Movement of the Thirties," pp. 178-179. Beginning in 1936, the student strikes for peace were officially sponsored by the United Student Peace Committee, with which at least ten organizations were affiliated. The main organizer continued to be the ASU. The strike tactic was increasingly viewed as "worn out," and had become so institutionalized that college administrators often participated in the events. Altbach, Student Politics in America, p. 68.
Mathews then questioned Lash on the Oxford Pledge. Although the Pledge had proved to be an extremely effective organizing tool, the ASU had abandoned it after only two years. The convention debate on the issue, Lash confessed, had been "heated." Recently returned from Spain, he had argued for its abandonment, and for a lifting of the American embargo. Lash told the Committee that the convention's main concern was keeping the U.S. out of the European war. By lifting the embargo, republican Spain would have a fighting chance to win the war on its own, precluding American involvement. "We felt an ounce of prevention was the thing that was necessary," he said. But Mathews did not accept this explanation. "Could you have brought about the abandonment of the Oxford pledge without a change in the Party line?" he asked. "It would have been more difficult," Lash conceded.

Mathews: In other words, the position of the Communists in the [ASU] was at least influential enough to make it easier to abandon the Oxford Pledge than otherwise would have been the case?

Lash: There are Communists in the [ASU]. They have democratic rights like everybody else. They argue at conventions...we argue with them. When we are able to convince them that our position is correct they adopt it. What is so sensational about that?

Mathews: Did I say it was sensational?

Mathews: So the Communists did have not only a democratic right in the [ASU], but they had a position sufficiently influential to make it easy for you to develop a policy in accordance with the Communist view?88

88 Hearings, Testimony of Joseph Lash, pp. 7079-7086. Tensions quickly emerged in the ASU between pacifists, which included SLID's Socialists, and Communists, who pushed the official Comintern policy of collective security. Under the banner of collective security, Communists would support a war to fight fascism. By 1936, the ASU contingent favoring collective security began to win control, especially after several Socialist leaders abandoned the Oxford pledge and came over to the Communist side.
Looking back on his hearing performance, Lash recalled, "I tried not to answer questions, because the more I answered questions the more difficult it made my work in trying to get the Communist influence out of the ASU." The final split occurred shortly after Lash's Dies Committee appearance. The Committee believed that the main issue was whether Communists had targeted the ASU, not the level of control they attained. That the ASU was described as "the scene of bruising battles" between Communists and Socialists until late 1939, indicates that the blanket label of "Communist-dominated" may not have been entirely appropriate. Nevertheless, Communists consistently won these battles and following 1939, they controlled the ASU.  

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Lash joined this group, becoming in his words, a "non-Party Communist" after returning from Spain in 1937. The ASU formally abandoned the Oxford pledge in 1937, embraced President Roosevelt's foreign policy, and, in 1938, lent its approval to the New Deal. Having become a respectable organization, the ASU was rewarded by the President, who sent a message of greetings to the group at both their 1937 and 1938 conventions. Lewy, The Cause That Failed, p. 178; Ottanelli, The Communist Party of the United States, pp. 171-172. Lewy asserts that the ASU had come under "effective control of the Communists" by 1936. Lewy, The Cause That Failed, pp. 178-179. Although Communists seemed to gain the upper hand in 1937, winning the battle to drop the pacifist Oxford pledge in favor of collective security, Fraser Ottanelli describes a much less stable, less Communist-dominated organization than does Lewy. Communists may have convinced the ASU to accept collective security over the Oxford pledge, asserts Ottanelli, but when they tried to maneuver the organization in line with the new Comintern policy that followed the Nazi-Soviet Pact, its non-Party allies were unwilling to meekly follow. The opposition group coalesced around Lash. The Nazi-Soviet Pact and the Soviet attack on Finland became the flashpoint for a battle between Communists and non-Communists at the ASU's Fifth Convention in December 1940. The Lash group hoped to reassert support for Roosevelt's policies, but lost the battle. Following the convention Lash and a group of officials left the ASU. Ottanelli, The Communist Party of the United States, pp. 200-201. Hal Draper agrees with Ottanelli, noting that the YCL had abandoned the Oxford Pledge two years before the ASU. Not until the Vassar convention in 1937 did Communists win enough support among ASU liberals to carry the day on the pledge. Draper observed, "whereas elsewhere Communist-dominated organizations were able to carry out the flip-flop in weeks or months." The difference, he said, "was due entirely to the bitter fight made against this turn by the Yipsel forces in SLID." Draper, "The Student Movement in the Thirties," p. 174.

Given his battles with ASU Communists, Lash need not have worried about Eleanor Roosevelt's response. She knew that he was attempting to defend his organization against charges of Communist domination while simultaneously battling them for control. Commenting about his testimony, Roosevelt said, "I have rarely seen anyone more unhappy." And while she believed that Lash's "rather flippant" attitude had probably angered the Committee, she sympathized with his reluctance to "tell tales out of school," and her "respect for him was not changed."90

Facing criticism for her attendance at the Dies Committee hearings, Roosevelt bravely continued to argue for the right of all groups in a democratic society to express their views. In an essay published in the winter of 1939, she lamented that widespread fear led to a growing intolerance that fed on the claim that the American Youth Congress was dominated by Communists. Undoubtedly there were Communists in the organization, but that did not mean they controlled it, merely that the AYC "conform[s] to the pattern of society, which at all times has groups thinking over a wide-range, from what we call extreme left to extreme right." One might disdain their radical views. Better let them be aired, discuss them, and vote them down, rather than ignore them. She urged calm: "unless we learn to live together as individuals and as groups, and to find ways of settling our difficulties without showing fear of each other and resorting to force, we cannot hope to see our democracy successful."91


91 Eleanor Roosevelt, "Keepers of Democracy," *Virginia Quarterly Review*, Winter 1939, pp. 1-5. Roosevelt's support for the civil liberties of Communists was not without limits. To Joseph Cadden's dismay, Roosevelt publicly stated that she did not believe a Communist should hold office. When Cadden pressed her on this point she stated that if a Communist was elected, he should certainly serve, but since Communists did not
In its January 1940 Report to the House of Representatives, the Dies Committee maintained that the AYC and the ASU were Communist Party fronts. Liberals and the accused organizations maintained that the Committee's conclusions were based on misinformation gathered at hearings marked by poor procedure. Although the Committee's procedures and evidentiary standards had improved dramatically since 1938, it was true that they could always be better. But while the AYC and ASU may not have been dominated by Communists when the Committee first leveled the charge in 1938, by winter 1939 it was apparent that both groups had succumbed to Party control.92

The final event that brought the Communist domination of the Student Union into the open was its response to the Soviet Union's invasion of Finland on November 30, 1939. American disgust over this bald aggression was so strong that President Roosevelt convinced Congress to disregard neutrality legislation and send aid to the Finns. The CPUSA, of course, supported the invasion, and ASU Communists faithfully concurred. One hundred (Communist) officers of the ASU's New York chapter even claimed that the invasion was justified because Finland, a puppet state supported by imperialist powers, threatened the Soviet Union.93

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The ASU's official policy regarding the invasion would not be established until its December convention, where the group's non-Communists would be faced with a serious problem. The factional struggle within the ASU had begun filtering down to the rank and file. The position taken by ASU Communists on the Nazi-Soviet Pact resulted in an extremely low turn-out for the peace gatherings of that year. While the Communists in control of the ASU executive committee argued that students would adjust to the new policy once it was explained properly, Lash and his faction worried that the damage to the ASU's credibility would be permanent. When the New York chapter issued its approval of the invasion of Finland, non-Communist ASU members were outraged, viewing it as a repudiation of everything for which the organization stood. Lash immediately issued a press release stating that the sentiments of the New York chapter were not representative of the entire organization. Molly Yard, Agnes Reynolds and Lash were preparing for battle at the December convention, but their allies were dwindling in number as liberals and progressives began to abandon the ASU. At the convention, ASU Communists were overrepresented and better organized than Lash's faction. When his group introduced a resolution condemning the Finland invasion, it failed, 322 to 49. Communists also succeeded in blocking a referendum that would have allowed the rank and file to vote on the resolution.94

94 Id. Evidence of Eleanor Roosevelt's blind spot regarding these youth groups was her reaction to the ASU's failure to pass a resolution condemning the Finland invasion. Lash wrote Roosevelt, explaining the positions of various ASU factions, and clearly stating that the vote was a result of the actions of Communists who, "ignoring the cumulative evidence of a dream gone amuck," were willing to support any action by the Soviet Union. Perhaps Roosevelt was placing her hopes in the Agnes Reynolds-led caucus that was planning to continue the fight against Communist-domination within the ASU. But whatever her thinking, she disregarded Lash's explanation and continued to believe that the ASU vote reflected the rank and file's fears of impending war, rather than Communist domination. Lash, A Friend's Memoir, pp. 21-25.
The Finland invasion was also the point at which Communist influence within the Youth Congress became difficult to mask. Because the AYC was a broad-based federation, Lash observed that "...the efforts to smuggle this new line into its work proceeded much more cautiously" than in the ASU. But the signs were there. Following the invasion, the Communist officers of the AYC decided unilaterally to use Youth Congress funds to promote neutrality and create a public impression that the Youth Congress approved of the Soviet action, regardless of the fact that the AYC had publicly stated its opposition to Nazi oppression at its July 1939 national congress.95

If Roosevelt had been unaware of the growing divisions within the AYC in the autumn of 1939, by that winter, she later wrote, she was "fairly sure that [the AYC] was becoming Communist-dominated." The Youth Congress' "Citizenship Institute" in Washington in January 1940, dispelled any lingering doubts. Plans for the event had been laid in the 1939 summer, before the Nazi-Soviet Pact had again changed the Communist Party line. The event had originally been designed to focus on "civic education and persuasion" in a deliberate attempt to lighten the tone from past "pilgrimages." But by the time the Youth Congress met in Washington, Communists had already begun to move the organization away from collective security and toward isolationism. Moreover, the AYC, recently considered an ally of the Roosevelt administration, began to denounce the New Deal, dropped its support for the NYA, and again lobbied for the American Youth Act. As the conference approached, the non-Communist faction opposed to this policy reversal waited in nervous anticipation.96

This activity either went either unnoticed or unheeded by Eleanor Roosevelt, who remained the AYC's faithful and loyal friend. To deal with the

95 Cohen, When the Old Left Was Young, p. 298.
96 Lash, Eleanor and Franklin, pp. 601; Lash, A Friend's Memoir, pp. 8, 49-52.
influx of students to Washington, she organized congressional spouses to help secure them lodging. Wives of congressmen and government officials opened their homes to Youth Congress participants. When this effort did not provide enough beds, Roosevelt convinced local hotel managers to provide 300 rooms at one dollar per night, arranged for a group of 30 girls to stay at a local “welfare institution,” and imposed on the army at Fort Meyer to provide beds for 150 male students. Roosevelt also arranged a reception at which Youth Congress leaders could lobby legislators for the American Youth Act, and convinced the President to address the students from the south portico of the White House.97

Despite Roosevelt’s efforts, hardened feelings toward the administration were apparent from the Institute’s opening lectures. References to the First Lady which had in the past generated wild cheers, now elicited only grudging applause. Speeches opposing American involvement in the war were received with the most enthusiasm. The anti-New Deal crowd was very nearly turned around, however, by Attorney General Robert Jackson’s speech. He defended the New Deal, and described the federal government under the Roosevelt Administration as “more responsive, more effective and more useful than we have ever had.” Nevertheless, the general attitude remained suspicious and critical of the administration. This was not, however, merely the handiwork of Communists. Now that war in Europe had begun, the fear that the United States would become entangled grew exponentially. Yet it was on the issues of the

Nazi-Soviet Pact and the Finland invasion that the Communist presence was most obvious.98

The AYC had also scheduled a march up Constitution Avenue to the White House, where they were to be addressed by the President. It was a cold, wet, miserable day, but the marchers remained in high spirits. Some 4,000 students dressed in costumes, walked in sections devoted to specific issues. The peace group pushed baby carriages while holding signs declaring, "No war babies," and singing, "No Major, No Major, we will not go / We'll wager, we'll wager, this ain't our show. Remember that we're not so green / as the boys in '17." The civil liberties section, in addition to signs condemning lynching and poll taxes, swiped at the Dies Committee. Banners proclaimed that: "Dies is too flippity about civil liberties," and "Hearsay and gone tomorrow." But the high spirits dissipated in the cold rain after the marchers waited for over half an hour on the White House lawn before the President spoke. The march had been mistimed and since the speech was to be broadcast, the President could not begin until noon. Eleanor attempted to boost morale by circulating among the students, but by the time the President spoke, the crowd was in an ugly mood. His words exacerbated the situation since, as Eleanor later recalled, the students, "expecting to be patted on the back," instead heard some "truths which, though they might be unpalatable, [Franklin] thought it wise for them to hear."99

The President's speech was directed primarily at the alleged Communists in the crowd, to whom he referred both directly and obliquely. Roosevelt began by welcoming the group, but quickly observed, "I think some of us have it in the

back of our minds that if we had a different form of government this kind of meeting...could not take place.” He then cited recently released economic figures illustrating improvements in the American economy since 1932, before addressing the Youth Congress delegates directly. “Don’t seek or expect utopia overnight,” he declared in reference to the American Youth Act, “don’t seek or expect a panacea—some wonderful new law that will give to everybody who needs it a handout....” Roosevelt acknowledged ongoing economic problems, but believed they could be resolved with patience and faith in democracy.100

The President saved his harshest words for the end of his talk. Referring to the resolution of the ASU’s New York chapter condemning American aid to Finland, he warned the Youth Congress that it should avoid commenting on “subjects which you have not thought through and on which you cannot possibly have complete knowledge.” He dismissed the claim that aid to Finland was an attempt to drag the U.S. into an “imperialist war” as “unadulterated twaddle.” Before he signed off, he labeled the Soviet Union a dictatorship, and directly addressing AYC Communists, stated that while they had the right to advocate communism, they had no right to advocate a change in the law except as prescribed by the Constitution. Some of the students responded to this “verbal spanking” with boos and hisses, only to be hushed by the others. To Dies, on this day, “the true colors of the [AYC] were exposed.”101

The mood of the Youth Congress delegates had not improved by that afternoon, when they were addressed by CIO President John L. Lewis. In a scathing, sarcastic speech that evoked rousing cheers, Lewis blasted the President for his comments. Eleanor Roosevelt, without whom this Institute

100 “Address of the President,” February 10, 1940, FDR Library, FDR Speech Files, Box 50; File: FDR Radio Address, 2/10/40-AYC.
101 “Address of the President,” February 10, 1940, FDR Library, FDR Speech Files, Box 50; File: FDR Radio Address, 2/10/40-AYC; Dies, Martin Dies’ Story, pp. 153-154.
would not have been possible, sat knitting impassively while Lewis railed against her husband. The next day, she participated in a question-and-answer session in what the AYC delicately described as an “electric atmosphere of anticipation and interest,” but was more accurately tense and uncomfortable. Looking pale and speaking in a whisper, she claimed to have been angered by her husband’s speech, but also by the audience response. The first question she received asked her opinion of the Finland invasion. Her reply mirrored her husband’s. She suggested that the Youth Congress “did not really understand the history underlying many of the European and Far Eastern situations.” This reply elicited both applause and hissing, at which point she held up her hand to silence the crowd, asking it to hold their response until after she finished—at which point they would be free to applaud or boo, whichever they preferred. The standing ovation she received in the end was little consolation for an exceedingly unpleasant week-end.102

Roosevelt came away from the Institute deeply wounded, but still unwilling to abandon the Youth Congress. She encouraged the liberals within the Congress to form a coalition to fight for control of the organization, but was dismayed when AYC officers opposed the idea. Even this did not convince Roosevelt of the truth of charges of Communist infiltration. Attempting to establish a rapprochement between youth leaders and the President, she invited a group including AYC members to a three hour foreign policy discussion with him. She also continued to aid the organization financially. But when an AYC fundraiser she had endorsed yielded an extremely low turnout, she warned the Youth Congress that it needed to clarify its position on why aggression by Hitler

was unacceptable, but aggression by Stalin was justified. Publicly, however, Roosevelt continued to defend the group. In an April 1940 article entitled, "Why I Still Believe in the Youth Congress," she stated that while she considered their reaction to the President's speech to be "bad manners," the students took exception to the President's words only because they were cold and wet.103

At this time, her support of the American Youth Congress remained unwavering. Along with her repeated calls for tolerance, Roosevelt reassured the public that she had inquired into the political beliefs of the AYC. She knew personally many of its young leaders, and had carefully scrutinized its financial statements, the resolutions it passed, and the programs it implemented. Based on these insights, she felt that the AYC was not under the influence of any outside or foreign control. In explaining why she undertook such an inquiry, Roosevelt said, "What else can one do to keep from being duped?" 104

Despite the hostility displayed at the Citizenship Institute, the Youth Congress did not distance itself from Roosevelt. A week after the Institute ended, it held a banquet to honor her and to announce the creation of the Eleanor Roosevelt Youth Fellowship, and invited Roosevelt to its Sixth American Youth Congress in Lake Geneva, Wisconsin in July 1940. Although she refused

104 "$1,000 Is Presented To Mrs. Roosevelt," New York Times, December 5, 1939, p.10; "First Lady 'Clears' Youth Congress," New York Times, December 5, 1939, p. 8. On at least two occasions in 1939, Cadden wrote Charles Taussig, and forwarded the letter to Eleanor Roosevelt, that the AYC had never expressed any sympathy for Communism, but that it welcomed Communist groups into its ranks, just as it did all groups (including National Socialists) who favored an ideology the AYC had publicly opposed. The only requirement for membership was that the group seeking entry agree to "advance the program agreed upon democratically by all participants." Cadden to Taussig, December 7, 1938; Cadden to Taussig, November 20, 1939, FDR Library, Charles Taussig Papers, Box 1 Taussig Youth Files, File: AYC to 1938; Cadden to Roosevelt, November 20, 1939, FDR Library, Eleanor Roosevelt Papers, Box 683, File: 100 Cadden, Joseph 1939.
to attend, she received reports from observers that attempts by liberals to salvage the organization had failed. The mood at Lake Geneva was isolationist and the AYC adopted the CPUSA slogan, "The Yanks Are Not Coming." Although Roosevelt still resisted admitting that the Youth Congress officials were Communists, she finally understood that this pro-Soviet group was no longer amenable to reason. She continued occasionally to exchange correspondence with officials, but never worked with the AYC again, switching her allegiance to the International Student Service.105

Both the AYC and the ASU limped along for several more years, continuing to sponsor peace strikes, but with fewer participants. ASU membership fell from a high of 20,000 in 1938, to 2,000 in 1940. Its 1941 annual conference drew only 250 participants from twenty-five schools and the ASU soon faded into obscurity. The American Youth Congress also continued functioning until the middle of 1941. Lash ended his affiliation with the ASU in 1940 and with the Youth Congress in February 1941. He would go on to become the General Secretary of the International Student Service—where he opposed the admission of Communists into the organization.106

In June 1941, the Comintern issued one final policy reversal following Germany’s invasion of the Soviet Union. The Youth Congress subsequently switched directions, opposing Germany once again, and this time demanding the United States enter the war immediately. Two months later, the AYC contacted Roosevelt, telling her, "Now we can work together again."107

106 Altbach, Student Politics in America, pp. 95-96; Cohen, When the Old Left Was Young, p. 319.
It was too late. She no longer trusted them. “Lenin had said the end justified the means,” Wechsler wrote, “and, on that premise, the communists scorned any conception of personal honor in political relationships.” Although she learned this lesson from personal experience, Roosevelt claimed later to hold no bitterness toward the Youth Congress. She believed that its politics were shaped by the fact that its members had come of age during the depths of the Depression. "I wish to make it clear that I had great sympathy for these young people, even though they often annoyed me," she wrote. "It was impossible ever to forget the extraordinary difficulties under which they were growing up." She, however, was wiser from this experience. "I learned from them," she said, "what Communist tactics are. I learned their methods of objection and delay, the effort to tire out the rest of the group and carry the vote when all their opponents have gone home." She was finally forced to concede: “The thing which is doing Russia the most harm in this country, no matter how much all of us dislike the Dies Committee, is the fact that Earl Browder and various other Communists, are discovered not to have been acting as free agents but as directed ones.” Dies could not have expressed it better.108

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Chapter Nine:
"Sacrificing Liberty on the Altar of Patriotism":
The Committee During the War Years

It long ago ceased to be necessary to argue the merits of the Dies Committee. The House and the whole country are well aware of the Committee's indispensable function in these days of national crisis.

Dies Committee Press Release, 1940

It was one of the great ironies of the Dies Committee that as the war in Europe edged closer to the United States, the investigation of subversive activities should have become indispensable, but instead began to lose its focus and to enter into its most reckless phase. The Committee's performance in the 1939 hearings had gone a long way toward rehabilitating its public image. Moreover, war fears removed the need for the Committee to justify an investigation of un-American activities. There were fewer claims that by its very existence the Committee threatened civil liberties. With the entire country growing concerned about the threat of espionage and sabotage, the Committee's position seemed more secure than ever. Yet during this period it began to hold

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fewer hearings and its internal political divisions, which had always been the
source of tensions, exploded as Dies increasingly scorned the Committee's New
Dealers. Dies had been presented an opportunity to achieve respectability by
combating the fifth column, instead he chose to continue his partisan attacks on
the Roosevelt administration and the CIO.

In 1940, as in years past, there was never any real question about the
outcome of the House debate on the re-authorization of the Committee. A
January 1940 Gallup Poll showed that the overwhelming majority of Americans
continued to support its work. Hearing procedures had improved markedly in
1939, and although the Committee had damaged itself by releasing the alleged
membership list of the American League for Peace and Democracy and J.B.
Mathews' report on the consumers' movement, overall the Committee had
managed to enhance its public reputation.²

The quality and tone of its annual report, released in January 1940,
contributed to the Committee's improved public standing. Roundly praised, in the
words of the New York Times, as "an astonishingly able and balanced
document," the official 1940 report was actually a redraft that originated in a
conflict between the Committee's New Dealers and Dies and Mathews. Voorhis,
Dempsey and Mosier's replacement, Massachusetts Democrat Joseph Casey,
had objected to the original draft, which Dies and Matthews had produced
without consulting the other members. Among other claims, the Dies/Mathews
draft stated that the CIO had been dominated by Communists since its inception.

and that hundreds of members of the ALPD were presently employed by the federal government. Believing the report's wording to be excessively harsh and its conclusions not justified by the evidence, Voorhis, Dempsey and Casey threatened to issue a minority report if this draft was not rewritten.  

Wanting to maintain the appearance of a unified committee, Dies capitulated and permitted Voorhis to redraft the report. The subsequent rewrite was far more temperate than the original. Voorhis began by arguing that the un-American activities inquiry was compatible with civil liberties and explaining the utility of the informing function of congressional investigations. While his tone was less strident than Mathews', Voorhis did not shy away from strong wording. Asserted that the CPUSA was a "branch of the Soviet government," he described at length the relationship of the Comintern to the American Communist Party. He then labeled the ALPD, the American Student Union, and the International Workers Order, Communist fronts. But unlike the Dies/Mathews version, Voorhis, because he had no evidence, declined to make claims about ALPD members in federal employment. Similarly, rather than dismiss the CIO as Communist-dominated, Voorhis correctly noted that "the overwhelming majority of the members of the CIO...are not Communist or Communist sympathizers." Nevertheless, he argued that the evidence revealed that ten or twelve out of the forty-eight CIO unions were "more than tinged with communism." As for

domestic fascist groups, the report listed the witnesses it had heard on the topic and asserted the existence of myriad right-wing organizations which supported “a radical change in the American form of government.” The report tied the activities of the German-American Bund to many of these right-wing organizations, and charged that the Bund “receives its inspiration, program, and direction from the Nazi Government of Germany.”

Three weeks after the Committee released its annual report, the Rules Committee met to vote on the resolution to re-authorize the investigation for another year. But what should have been a routine discussion turned into a roiling controversy when Michigan Democrat and Committee critic Frank Hook accused Dies of having ties to Silver Shirt leader William Dudley Pelley. Hook had copies of what he claimed was correspondence between Pelley and his Washington representative, David Mayne, that allegedly proved that Dies was sympathetic toward right-wing organizations. In the letters, Pelley supposedly told Mayne, “we may safely continue in the understanding that Dies will not go out of his way to call us or to embarrass us—[James] True—Fr. Coughlin—George [Deathage] or the Legion [Silver Shirts].” At the time that Hook leveled these charges it had already become common practice among the Committee’s

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4 Goodman, The Committee, pp. 91; “The Dies Committee,” New York Times, January 5, 1940, p. 18; Report of the Special Committee on Un-American Activities, House Report No. 1476, 76th Congress, 3d Session, January 3, 1940, on the Comintern and the CPUSA, see pp. 4-9; on Communist fronts, see pp. 9-12; on the labor movement, see pp. 12-13; on fascist organizations, see p. 14; on the German-American Bund, see pp. 19-23.
detractors to accuse it of coddling the right-wing. Now it suddenly appeared as though these claims might have substance.5

Most of the Committee members attended this Rules Committee hearing, with the notable exception of Dies, who was home recovering from the flu and a ruptured appendix. On hearing Hook's charges, Starnes objected that they could not possibly be true. After all, he argued, Pelley had threatened Dies with physical violence in the past and had recently filed a $3 million defamation suit against the Committee. When Thomas stood next to defend Dies, he was told by Rules Committee member E.E. Cox of Georgia that it would not be necessary. "[Dies] doesn't need any defense before this committee," Cox reassured Thomas. Despite this cold reception, Hook was convinced that the letters showed collusion between Dies and Pelley and entered them into the Congressional Record.6

After dismissing Hook, the Rules Committee next took up a proposal by Voorhis and Casey to amend the Committee's authorizing resolution to include some standards to guide the its daily operations. Emboldened by the victory on


6 "Votes Dies Inquiry a Year's Extension After Sharp Clash," New York Times, January 23, 1940, p. 1; Congressional Record, 76th Congress, 3d Session, January 22, 1940, p. 532. The Nation, which had always been one of the Committee's most aggressive critics, published excerpts from these letters. The author of the article was none other than James Wechsler. The former American Student Union and Young Communist
the 1940 report, Voorhis and Casey attempted to redress some of their biggest complaints regarding the Committee's internal dynamics. These rules would have banned any public statements by Committee members regarding future investigations; required the Committee to hold an executive meeting at least once a week; forbade public statements, press releases or reports from being issued unless first submitted and approved by the entire Committee; and provided accused individuals the chance to testify as quickly as possible after the accusation had been made. But, convinced by the counter arguments that such measures would "hamstring" the investigation, the Rules Committee declined to act on the proposals.⁷

During the House debate on the re-authorization resolution the following day, the usual suspects lined up either in support of or against the inquiry's continuation. California's Lee Geyer charged that if Committee members were to present a recital of all their past mistakes it would take more time than the two hours allotted for the current debate. Geyer objected not just to the poor procedure but to the mere existence of a committee that did nothing but "spread distrust and fear among the common people of America." New York's Vito Marcantonio, comparing the Committee's work to passage of the Alien and Sedition Acts of 1798, complained that "every time we have gone through a

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critical period a real effort has been made to destroy the civil rights of the
American people by making an attack on the rights of dissident minorities.\footnote{8}

As was typical in the House debates on the Committee, even those who
believed the inquiry should be extended acknowledged its mistakes. “Of course
the Dies Committee made mistakes,” Illinois’ Leo Allen asserted, but he believed
these they were minor and had been exaggerated by the Committee’s enemies.
The investigation, he concluded, was too important to abandon. Voorhis and
Casey continued another tradition of these re-authorization debates by criticizing
the committee on which they sat while arguing for its renewal. Voorhis
acknowledged the Committee’s missteps while making another plea to
implement the measures dismissed by the Rules Committee. Casey added that
he was “somewhat alarmed at the lack of criticism of the Dies committee,” then
excoriated Dies and Mathews for releasing the consumers’ movement report.
But after acknowledging that the investigation had produced some “admirable
and commendable work,” Casey ultimately agreed that an investigation of un-
American activities was a necessary evil. He drew applause by promising that
the Committee could, and would, improve its performance.\footnote{9}

At home in Texas recovering from surgery, Dies did not participate in the
debate. Although many Congressmen continued to have doubts about the
manner in which Dies ran his inquiry, the House elected to continue the

\footnote{8 \textit{Congressional Record}, 76\textsuperscript{th} Congress, 3d Session, January 23, 1940, pp. 572 et seq.;
Geyer quote, p. 579, Marcantonio quote, p. 599.}

\footnote{9 \textit{Congressional Record}, 76\textsuperscript{th} Congress, 3d Session, January 23, 1940, pp. 572 et seq.;
Allen quote, p. 575, Voorhis arguments, p. 583, Casey quote, p. 600.}
investigation for one more year, by a vote of 344 to 21. It did, however, reduce its appropriation to $75,000.10

Before the Committeemen could think about preparing for the 1940 hearings, they first had to deal with Hook's allegations about Dies' relationship to Pelley. Hook had made the claims publicly, had entered the letters into the Congressional Record, then repeated the charges on the House floor. On the day that Hook first aired the accusations, Starnes issued a press release that continued his defense of Dies begun before the Rules Committee. He almost seemed delighted by what he perceived as a "work of desperation in a last-minute attempt to smear Chairman Dies and the work of the Special Committee on un-American Activities." As evidence that the Committee had never coddled the Silver Shirt leader, Starnes argued that every volume of its hearings printed to date contained testimony on Pelley's subversive activities. The Committee had also been trying to serve a subpoena on Pelley for months. In doing so, it had sought help from North Carolina authorities, the Department of Justice, and the FBI; appointed a subcommittee headed by Voorhis devoted solely to finding Pelley; and resorted to the extravagance of sending an investigator to North Carolina by airplane to track Pelley down. Starnes might also have added that the Committee's "balanced" 1940 annual report had resorted to insulting Pelley's manhood in an effort to shame him into appearing. Starnes had a fairly convincing argument, for if Pelley really believed that Dies would "not go out of

10 Congressional Record, 76th Congress, 3d Session, January 25, 1940, p. 688.
his way to embarrass" him, then he would not have needed to work so hard to
duck the subpoena.11

As it turned out, Hook was one of several victims of a hoax perpetrated by
Mayne and, perhaps, by the Committee itself. In a Dies Committee executive
session on January 30, Mayne testified that he had forged the letters and sold
them to Harold Weisberg for $105 and a promise of a job in the Department of
Agriculture. As evidence of his forgery, Mayne pointed out that when he copied
Pelley's signature, he had intentionally misspelled the last name by leaving out
the second "e." Mayne claimed further that Weisberg was associated with
Gardner Jackson of Labor's Non-Partisan League, which had hoped to discredit
Dies by proving the latter had ties to fascist organizations. Mayne said that he
sold the forgeries in an attempt to put Weisberg and Jackson "out on a limb."12

Jackson, Weisberg, and John Henshaw, who had introduced Weisberg to
Mayne, testified in executive session the next day that they had purchased the
materials from Mayne because they had trusted the accompanying affidavits
attesting to their authenticity. These admissions prompted House speeches from
Congressmen Cox and Frank Keefe of Wisconsin condemning Hook's role in the
affair. Cox demanded that Hook expunge his speech from the record and

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11 Congressional Record, 76th Congress, 3d Session, January 22, 1940, p. 532; Press
Release by Joe Starnes, January 22, 1940, NARA, RG 233, Series 20, Box 1, Jan. 22,
1940-Press Release. Hook's charges were originally found at Congressional Record,
76th Congress, 3d Session, January 30, 1940, p. 835, but the remarks were later
expunged from the record. The Committee wrote in its 1940 report that "William Dudley
Pelley, self-styled 'leader of men,' disappeared from view completely a couple of months
ago rather than appear 'like a man' before the committee...." Report of the Special
Committee on Un-American Activities, House Report No. 1476, 76th Congress, 3d
Session, January 3, 1940.
apologize to Dies. Maintaining that the letters were genuine, Hook refused to admit his error. On January 22, the day that he had initially raised the matter with the Rules Committee, Hook had also requested that the Justice Department examine the letters to determine if they were real. Until the Justice Department finished its inquiry, Hook would not apologize. He did, however, ask consent to expunge his original allegations and the letters from the *Congressional Record*.13

Mayne had played Hook, dedicated Dies antagonist Gardner Jackson, and Weisberg, a former editor of the record of the La Follette Committee, for fools. According to Jackson and Weisberg, they had been in the process of gathering material for a book they were co-authoring on the Des Committee when John Henshaw, a friend of Jackson's from the Public Works Administration, told them that Mayne had some information in which they might be interested. Henshaw introduced Weisberg to Mayne in October 1939. At that time Mayne had been employed by Pelley for about a year. Over a period of three months, Mayne gave Weisberg copies of his voluminous files in exchange for a total of about

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$110 in small payments. When Mayne claimed to need a job, Weisberg made an unsuccessful attempt to find him temporary employment with the government.14

In mid-January, Jackson held a dinner party at his home attended by, among others, Hook, Dies Committee member Casey, John Coffee, and several other congressmen. Jackson claimed that when dinner conversation turned to the Committee, he mentioned that he had material that could be used against Dies. Although most of his guests warned Jackson that he should treat the documents as unreliable, Hook was convinced they were real. As a precaution, Hook requested an analysis of the letters by the Justice Department but was too impatient to wait for its reply.15

Having been publicly humiliated by this incident, Hook, Jackson and Weisberg all publicly maintained that the letters were real. But what upset the three men most about this incident was their belief that the Committee itself was behind the affair. Given his contentious past relationship with the Committee, Jackson, in particular, believed that he had been set up. His suspicions were seemingly confirmed when the New York Sun revealed that at the time that Mayne first made contact with Weisberg he had been a Dies Committee employee. The Sun asserted that Mayne had informed Committee counsel Rhea Whitley of the existence of a plot to discredit Dies in mid-December 1939. "From

14 Complaint of Jackson and Weisberg against Mayne for Perjury, Forgery, Obtaining Money under False Pretenses, and Conspiracy to Commit an Offense against the United States, Gardner Jackson Papers, Box 44, File: Legal Briefs and Transcripts.
15 Complaint of Jackson and Weisberg against Mayne for Perjury, Forgery, Obtaining Money under False Pretenses, and Conspiracy to Commit an Offense against the United States, Gardner Jackson Papers, Box 44, File: Legal Briefs and Transcripts; Goodman,
that time on," the paper claimed, "Mayne was making reports to the Dies committee on what was happening in the other camp." After he gave the letters to Weisberg, Mayne then told the Committee what was about to happen. Finally, once the letters were publicized, Mayne quickly informed Stripling that they were forgeries.\(^\text{16}\)

In response to the *New York Sun* revelations, Voorhis and Dempsey asserted that they had known nothing of the Pelley-Mayne letters until Hook had raised the issue before the Rules Committee in January. Voorhis also stated that he had "never known anybody in all my life that I felt was any more honorable and upstanding an individual than is Mr. Whitley." But then Voorhis admitted that after several failed attempts to serve a subpoena on Pelley, the Committee, in fact, had paid for Mayne to travel to North Carolina and locate the Silver Shirt leader. "...[W]e never thought that Mr. Mayne was any paragon of virtue," said Voorhis, "but we were clutching at straws and hoping that in some way we might accomplish this purpose." Voorhis was also aware that "in an attempt to play both sides against the middle," Mayne had approached Whitley about a plan that was afoot to discredit the Committee. But Voorhis insisted that had Mayne specifically mentioned the letters, Whitley would have immediately informed the rest of the Committee.\(^\text{17}\)

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\(^{16}\) *Congressional Record, 76th Congress, 3d Session, February 1, 1940*, pp. 955-956; Glen Perry, "Light Sought on Opposition to Dies Work," *New York Sun*, January 31, 1940.

\(^{17}\) *Congressional Record, 76th Congress, 3d Session, February 1, 1940*, pp. 956-958.
Although Whitley resigned his position during the Mayne uproar, the Committee continued to deny any involvement with the scheme. Starnes told Hook that since the Committee did not meet during the period in which Mayne sold Weisberg the forged letters, it could not possibly have played a role in the event. The repeated denials did little to placate Hook, Jackson or Weisberg until Pelley finally presented himself personally to deny authorship of the letters. Claiming that “certain complications down in North Carolina” had prevented him from appearing sooner, Pelley testified before both the Dies Committee and the Rules Committee that he had not written the letters. Unable to deny the truth any longer, Hook finally offered a grudging apology. “Mr. Speaker, if the House feels that the integrity of the House has been impugned or if any person has been aggrieved, if I thought for one moment I had aggrieved anybody,” said Hook, “I would not be so small as not to extend my apology....” Privately, Hook wrote Starnes that as far as he was concerned “this matter is not a closed one.”

Meanwhile, Jackson and Weisberg also remained unconvinced. They offered to turn over all of the material they had obtained from Mayne’s files to the Committee. Jackson insisted that while the Pelley-Mayne letters that Hook had introduced into the Congressional Record may have been forgeries, he had “no reason to doubt the authenticity” of the remainder of Mayne’s materials. Jackson insisted that the validity of the bulk of Mayne’s extensive files could not be questioned. He found the evidence linking Dies to Merwin K. Hart of the right-

wing organization, the Christian Front, especially convincing. On the day that they testified at the Committee's executive session, Jackson and Weisberg did present this evidence. They also suggested that the Committee, in light of the recent resignation of Whitley, ask the Justice Department to assign an attorney to review the records.19

Jackson and Weisberg also filed with the United States Attorney for the District of Columbia, Robert Pine, a complaint against Mayne for forgery with intent to defraud. Pine forwarded the case to the FBI for investigation. On conclusion of the FBI inquiry, Pine presented the case to a District of Columbia grand jury. But Jackson, Weisberg and Hook were stunned when it failed to indict Mayne. They demanded that Attorney General Robert Jackson investigate the grand jury, believing its inaction was part of a larger cover-up. “We will be forgiven by thoughtful citizens,” Jackson wrote in a press release, “for wondering whether Mayne’s intimate association with the Dies Committee as its employee in recent months made the Grand Jury feel it would be indicting that Committee if it indicted Mayne.” The “obvious implication” that Jackson took from these circumstances was that the Pelley forgeries were not forgeries at all and should not have been withdrawn from the Congressional Record.20

1124-1125: Hook to Starnes, February 8, 1940, Gardner Jackson Papers, Box 20, File: Dies Committee.
20 Jackson and Weisberg to Starnes, February 8, 1940; William McInnis to Robert Jackson, March 29, 1940; Hook to Attorney General Robert Jackson, April 1, 1940; Statement of Gardner Jackson on failure of Grand Jury to indict David Mayne, Gardner Jackson Papers, Box 20, File: Dies Committee.
While Hook, Jackson and Weisberg continued to obsess over Mayne, the Committee at last had Pelley in its grasp and immediately convened its first public hearing of the year. For all the furor over the failed attempts to subpoena Pelley, the Committee was unable to wring any useful or new information from him. He did, however, state his admiration for the Committee’s work. In particular, he called Thomas’ impeachment resolution of Frances Perkins a “masterpiece.” “I may say,” Thomas replied, “that I have yet to admire any action of yours.” “I am very sorry,” said Pelley, “because I think your work is splendid, splendid.” Immediately after the Committee dismissed him, Washington authorities arrested the Silver Shirt leader to await extradition to North Carolina for violating a good behavior proviso that was part of a suspended sentence he had received in a stock fraud case.21

Finally recovered from his surgery, Dies returned to Washington in Spring 1940 and announced plans to embark on a new series of hearings. He intended to call a series of mid-level Communist Party functionaries to the stand and ask them to provide the names of fellow-Communists. This was an excellent strategy on Dies’ part. The Committee had not expended much effort to hear directly from Party members in the past. Primarily it had relied on the testimony of former Party members whose motives frequently were called into question. Now, current Party activists would be interrogated in what was a win-win situation for

the Committee. If they answered, the Committee would be able to claim victory. If they refused, the hearings would be assured of fireworks and extensive press coverage.

Led by its new counsel, Robert E. Lynch, the Committee began by subpoenaing Communist Party member James H. Dolsen. When Dolsen testified he readily admitted his Party membership and spoke freely of his activities in China and the Soviet Union. But, claiming it had nothing to do with communism, he refused to answer questions about his work for the WPA and the International Worker's Order. He also refused to identify his fellow Party members. The Committee was especially eager to learn the identity of the person whose Party dues book that investigators had turned up in a search of Dolsen's room in Pittsburgh. The name on the book was Franklin D. Roosevelt. Communists were encouraged to use aliases and it was a common Party joke to appropriate famous names. The White House, however, did not appreciate the humor. But Dolsen maintained his silence on the grounds that the Committee had no right to ask about such matters. On Thomas' motion the Committee voted to seek a contempt citation against Dolsen from the House of Representatives.22

The run-in with Dolsen had inadvertently suggested a revision to the Committee's new strategy of asking Party members to supply their colleagues' names. Informing the press the next day that he had information that Party members were acting as secret agents for the Soviet Union, Dies said it would be

22 Hearings, Testimony of James Dolsen, pp. 7335-7421.
necessary for the Committee to learn the names of all 100,000 CPUSA members. To that end, he planned to call every Communist in the United States to the stand and ask them to name names. If they refused, he said, he would seek the same punishment that he had with Dolsen. "The law," he threatened, "will permit the government to keep them in jail if they don’t talk."\(^{23}\)

The Party members who testified over the next few weeks stood forewarned—and they came to hearings prepared. For the first time, witnesses refused to answer the Committee’s questions, provide membership lists, or reveal their colleagues’ identities because, they claimed, the Committee was using the names to create an illegal blacklist, was seeking information irrelevant to its stated purpose, and the questions were based on the materials seized in illegal raids.

The first witness to appear after Dies’ threat to issue contempt citations was George Powers, the Russian-born secretary for the Western Pennsylvania CPUSA. Unlike most past witnesses, he was accompanied by counsel, Sol H. Cohn of New York. Like Dolsen, Powers freely admitted his Party membership and described his Party work, but refused to answer certain questions. On the grounds that the question was unrelated to the Party and, therefore, "personal," he would not state whether his brothers were then living in the U.S. To bolster

\(^{23}\) "Reds Talk or Face Jail, Says Dies," \textit{New York Times}, March 27, 1940, p. 13
his refusal to answer, Cohn referred the Committee to the prohibition against personal questions found in the *Sinclair* case.24

When asked to provide records that would reveal the identities of Party members, Powers denied that the Party kept any records other than receipts. Frustrated by the witness’ vague replies, Dies began pounding the table, shouting, “Don’t be evasive. You’ll treat this committee with respect!” Powers shouted back, “I’ll not give you the names of any people, because you are blacklisting our people in industry.” When Lynch then asked for the records the Committee had subpoenaed, Powers responded simply, “I brought no records.” After questioning Powers for an hour and a half, the Committee went into executive session in which members agreed to ask the House to issue Powers a contempt citation.25

Dolsen and Powers provided a preview of what would become the Party’s standard response to Committee questions. Rose Blumberg, the wife of the state secretary for the Maryland and District of Columbia CP, testified next. She had been present when Committee investigators came to her husband’s office the previous evening and took possession of his records. Her attorney, Leo Alpert, objected to all the questions asked by the Committee on the basis that the

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25 *Id.*
records had been illegally seized. Primarily, however, Blumberg claimed to have no knowledge of the Party’s activities.26

When Albert Blumberg appeared, he was accompanied by Cohn. Before the Committee asked him its first question, Blumberg stated that he would reveal no names because of the danger that Party members would be blacklisted if their identities were made public. Asserting that Committee investigators had conducted an illegal search of his Maryland office the previous night, he also refused to answer questions based on the seized materials. Unmoved by his argument, the Committee voted to ask the House for a contempt citation.27

Several days later the president of the Massachusetts Young Communist League, Thomas O’Dea, testified. He, too, was accompanied by Sol Cohn. O’Dea provided information on the size of the Massachusetts YCL and which universities had YCL chapters. But when asked to reveal names, citing concerns of a blacklist, he refused to answer. He also declined to name the secretary of the Harvard YCL on the grounds that it would expose him to “economic persecution” and cause him to lose his scholarship. O’Dea argued that these consequences would serve to deprive the Harvard YCL secretary of his property without due process of law in violation of the Fourteenth Amendment. When

26 Hearings, Testimony of Rose Blumberg, pp. 7453-7467. Blumberg was followed to the stand by two witnesses with little to offer. After finding his name in a letter seized by investigators in Maryland, the Committee called Emmet Leonard Murray, an assistant messenger in the Government Printing Office. He had once been a member of the Young Communist League in Denver, but told his inquisitors that he had let his membership lapse after he got a job in Washington. Richard Lawry, president of the Pittsburgh International Workers’ Order had come to the Committee’s attention when Dolsen mentioned his name. Unlike the other witnesses, he denied that he was a Communist. Hearings, Testimony of Emmet Leonard Murray, pp. 7468-7476; Testimony of Richard Lawry, pp. 7476-7486.
O'Dea then refused to answer questions about his political beliefs, Lynch explained that the only permissible reason to refuse to answer Committee questions was the Fifth Amendment's right against self-incrimination. But O'Dea had with him a copy of the *Sinclair* decision, from which he read to prove Lynch wrong. Once again, the Committee voted to request a contempt citation from the House.\(^\text{28}\)

As part of its aggressive new tactic of identifying all Party members, Committee investigators carried out several raids of East Coast CPUSA offices, like one to which the Blumbergs had objected, culminating in the April 4 raid of the Philadelphia CPUSA and International Worker's Order headquarters. Two investigators, Hurley and Howe, and the Committee's new counsel, Robert Lynch, assisted by eight Philadelphia police detectives and a motorcycle squad of some thirty officers, pulled up to the CPUSA and IWO offices, broke in and carried out everything they could get their hands on. They loaded the material onto a truck and headed immediately for New Jersey, where they worked through the night making photostats of the confiscated material.\(^\text{29}\)

The CPUSA and the IWO immediately sought relief in a federal court, prompting Federal District Court Judge George A. Welsh to request that the Dies Committee make no use of the material until after he had ruled on the matter. "Meanwhile, keep cool," he reassured the attorneys for the aggrieved groups. "We don't want any hysteria. We are still living under the law and the law is

\(^{27}\text{Hearings, Testimony of Albert Blumberg, pp. 7476-7520.}\)
But Welsh forgot to remind Dies about the rule of law. A few hours after the judge asked the Committee to refrain from using the material, Dies entered it into the Committee's official record. When reporters inquired into the matter, Dies feigned ignorance of Welsh's request. "The records are all in, are a part of the...evidence," he told the press. "It's a fait accompli....I don't see how we can now give them up. It is out of our control." 30

The next day Welsh ordered the arrest of Hurley, Howe, and Philadelphia Detective Lieutenant Albert Granitz for "conspiracy to violate the Bill of Rights and the civil liberties statutes." "Tolerance, tolerance on all sides is what we need today," Welsh pleaded when issuing the order. "I can only fervently hope that we in this country do not sacrifice liberty on the altar of patriotism." Dies responded to the charges by press release, asserting that his Committee had always respected the Bill of Rights, which was why it had previously experienced such difficulty securing the records of un-American organizations. He added that if the Committee was unable to obtain membership lists and financial records by subpoenas duces tecum and court-ordered search warrants, then the Committee would be forced to return to its former reliance on secondary evidence and testimony of ex-Party members. 31

Dies' argument had merit—but only if the Committee had, in fact, relied on valid search warrants. The next month, Judge Welsh ruled that the Philadelphia

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raid search warrant, although issued by a Philadelphia magistrate, had not been valid. The raid, therefore, had violated the Fourth Amendment to the Constitution. The magistrate had issued the warrant based only on a vaguely worded affidavit from Hurley stating that he believed that materials of a seditious nature could be found in the offices. Welsh held that the affidavit did not meet the Fourth Amendment's requirement of probable cause. The raid had also been deficient in that the warrant instructed the search to be carried out by "any police officer" in the City of Philadelphia. The raid, however, was conducted by local police and investigators of a congressional committee. Welsh held that the investigators' presence had transformed the raid into a "federal undertaking." Worse, however, was the fact that the investigators had ignored the requirement that they immediately return the warrant and the seized documents to the magistrate "forthwith." Instead, they took possession of the property, transported it out of state, and delivered it to the Committee before returning it the magistrate. Finally, Welsh noted that although the aggrieved parties were "very much in the minority on our country," he would, nevertheless, protect their rights, which were "rights...sacred to all of us."32

While defending the Philadelphia raids in court, the Committee continued its public hearings featuring defiant Communists. The next witness to earn a contempt citation was Phil Frankfeld, the executive secretary of the Party's New England branch. Frankfeld caused an uproar in the hearing room when he

insisted on reading a petition signed by 10,000 Bostonians. Engaging Dies in a
shouting match, Frankfeld refused to answer any questions until he was
permitted to read his petition. As the audience booed the witness, the
Committee voted unanimously to ask Congress to cite him for contempt.\textsuperscript{33}

These hearings were successful for the Committee in that they received
extensive press coverage, but problematic in that the House contempt procedure
moved very slowly. By the time of Frankfeld’s appearance, the House had
already issued contempt citations for Dolsen and Powers, but had not yet acted
on the others. Apparently unwilling to wait for the House to act, on April 5 Dies
attempted to go around the standard procedure by asking U.S. Commissioner
Needham Turnage to issue contempt of Congress arrest warrants for O’Dea and
Frankfeld. Turnage honored the request and Frankfeld and O’Dea, unable to pay
the $1000 bonds on the warrants, were jailed. Dies claimed publicly that he had
felt the need to act quickly for fear that the slow-moving House would enable the
witnesses to leave town and escape prosecution. As it turned out, Dies’ solution
was only temporary because U.S. District Court Judge Jennings Bailey released
O’Dea and Frankfeld on a writ of \textit{habeus corpus} the next day.\textsuperscript{34}

\textsuperscript{33} \textit{Hearings, Testimony of Phil Frankfeld}, pp. 7608-7609.
\textsuperscript{34} Dolsen cited for contempt, \textit{Congressional Record}, 75\textsuperscript{th} Congress, 3d Session, March
29, 1940, pp. 3694-3695; Powers cited for contempt, \textit{Congressional Record}, 76\textsuperscript{th}
Congress, 3d Session, April 2, 1940, pp. 3856-3857; “Dies Gets Two Reds Jailed in
Contempt,” \textit{New York Times}, April 6, 1940, p. 4; August Raymond Ogden, \textit{The Dies
Committee} (Washington: Catholic University of America Press, 1943), p. 199. The
standard procedure in contempt cases was for the House to send the Committee record
and the House resolution to the U.S. Attorney for the District of Columbia, who would
then ask a grand jury for an indictment. See generally, Carl Beck, \textit{Contempt of
The House approved the resolution citing Frankfeld, O'Dea and Blumberg for contempt on April 8. Two days later, U.S. District Court Judge F. Dickinson Letts dismissed the contempt charges filed before Turnage. Letts noted that Congress had established the procedures to be followed in contempt of Congress cases and the Committee had no right to institute its own proceedings in an alternate forum.35

The House had now issued contempt citations against five witnesses, and although several more Communists would refuse to answer questions on the stand, the Committee soon switched tactics.36 Assuming that the Committee really did care about collecting the names of Communists, the House contempt procedure was too slow and creaky to pressure witnesses into talking. Worse, the press was losing interest. The Committee had hoped to force Party members to inform on their colleagues in a public forum before a substantial media contingent. But the Communists willingness to risk jail consumed too much of the Committee's time and energy. The strategy had failed. In the end, the witnesses each received suspended sentences and the Committee lost interest in mid-level Party functionaries.37

35 Congressional Record, 76th Congress, 3d Session, April 8, 1940, pp. 4152-4157; "Dies Drive on Reds Approved by House, New York Times, April 9, 1940, p. 16; Congressional Record Appendix, 76th Congress, 3d Session, April 30, 1940, p. 2529.
36 Other Communist witnesses who refused to answer questions but were not cited for contempt included, Hearings, Testimony of Elmer Johnson, pp. 7685-7680; Testimony of Thomas McKenna, pp. 7709-7715; Testimony of Claude Lightfoot, pp. 7720-7726.
In April and May 1940, while the Committee was wrangling with its contumacious Communist witnesses, Hitler's panzer divisions invaded Norway, Denmark, Belgium, the Netherlands and Luxembourg. Reflecting a rising concern about the war in Europe and increased fears of American involvement, Committee hearings began to feature witnesses telling tales of wreckers in American defense industries and the dangers posed by subversives in sensitive positions. Various witnesses warned that in the event of war, Communists working as radio operators on American merchant ships would help establish a Soviet system in the United States, and that the Party had established "colonies" in the aircraft, steel and auto industries. Nicholas Dozenberg, a former CPUSA leader then serving time in a federal prison for passport fraud, testified in excessive session that the Soviet Union had a "large, well-organized spy system at work in this country getting military and industrial secrets." This testimony prompted Noah Mason to blast the Justice Department for failing to uncover and prosecute these spies, and a Committee press release charged, "The whole country needs the Dies Committee to protect it against the Administration's indifference to the menace of communism."  

Ferreting out fifth columnists became the Committee's raison d'être in these months as Dies headed to upstate New York, then to Tennessee in search of spies and saboteurs. He also promised to introduce a bill making membership

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in the Bund and the Communist Party illegal. Although it would still be legal to 
advocate nazism and communism, Dies’ bill would punish individuals for 
belonging to a group that was subject to foreign control.39

Meanwhile, fear of the approaching war in Europe manifested itself in the 
approximately one hundred anti-alien bills proposed during the first session of the 
76th Congress. This legislation addressed a wide variety of concerns, including 
several different bills calling for moratoriums on immigration for varying periods of 
time. Many in Congress and the nation feared that the European war would 
spark a flood of immigration into the United States. Among this legislation was 
an alien registration bill proposed by Virginian Howard W. Smith, which the New 
York Times observed, simply accumulated “most of the anti-alien and anti-radical 
legislation offered in Congress in the last twenty years.”40

The bill required the registration and fingerprinting of the 3,500,000 aliens 
residing in the United States. In hopes of bringing about the deportation of Harry 
Bridges, it also called for the deportation of all alien subversives. Finally, the 
legislation made it a crime to advocate the violent overthrow of the government 
or to belong to an organization that advocated the violent overthrow of the 
government. Congress passed the Smith Alien Registration Act in July. For 
years Dies had complained that the fight against subversion was hampered by a

39 “Dies Inquiry Up-States,” New York Times, May 27, 1940, p. 9; “FBI Forms a Unit To 
40 New York Times quoted in Michal Belknap, Cold War Political Justice (Connecticut: 
Greenwood Press, 1977), p. 22; Bruce J. Dierenfeld, Keeper of the Rules: 
Congressman Howard W. Smith of Virginia (Charlottesville: University of Virginia Press, 
1987), pp. 46-75.
lack of legislation. Now it appeared that he finally had access to a law that made membership in the Communist Party illegal.\footnote{House debate on the Smith Alien Registration bill, \textit{Congressional Record}, July 19, 1939, pp. 9533 \textit{et seq.}, July 28, 1939, pp. 10360 \textit{et seq.}, July 29, 1939, pp. 10370 \textit{et seq.}, June 22, 1940, pp. 9033 \textit{et seq.}; in the Senate, \textit{Congressional Record}, 76th Congress, 1st Session, pp. 9033 \textit{et seq.}}

Events in Europe prompted the administration to intensify its military build-up and the spate of proposed anti-alien legislation in Congress. Dies responded by continuing his campaign to expose the workings of saboteurs. He had been warning of the dangers of the fifth column for years, but the concept did not really take root in the congressional imagination until late 1940. A review of the \textit{Congressional Record} index reveals no mention of the fifth column in the first session of the 76th Congress. But in the second and third sessions, congressmen devoted over forty speeches to the threat. Dies took credit for this change, stating in a December 1940 radio speech, "We may justly claim to have been the decisive force in shaping the present attitudes of the American people toward the activities of the fifth column which aims at our destruction." Having finally struck a chord, he did all he could to stoke these fears.\footnote{"$106,000,000 Added To A Defense Bill," \textit{New York Times}, June 21, 1940, p. 6; NBC Speech, December 2, 1940, NARA, RG 233, Series 20, Box 1, File: Dec. 2, 1940-}

As Congress was debating the Smith Act, Dies held a series of executive session hearings in Texas on the propaganda activities of German consuls. To avoid exacerbating international tensions, he complied with the State Department's request to close these hearings to the public. He did not, however, refrain from sounding the alarm over threats of sabotage. From Texas, Dies
announced in July that he had been informed of a plot to sabotage a battleship under construction in a Pennsylvania navy yard. At the end of the month came news that Committee investigators had discovered that Communists working for the Federal Writers' Project had collected maps and photostats of New York City that would enable the Party to cripple the city's transportation systems and electricity, food, and water supplies. Mathews announced in August that investigators were compiling lists of aliens, Communists, and Bundists working in defense industries. This was followed a few weeks later by a claim from Dies that some 675 Germans and other foreign spies were ensconced in key San Francisco industries. In a radio speech Starnes reiterated that defense industries were vulnerable to sabotage attempts by Bundists, Communists and aliens. Dies next announced that he had a list of 5,000 fifth columnists working in Detroit defense plants. He claimed that he would soon release a list of fifth columnists in each industry. Included among the dangerous workers were members of suspect labor organizations like the National Maritime and the Transport Workers Unions. Most of these sensational revelations came during closed hearings.43

The dire warnings of saboteurs in defense industries from Dies, Mathews, Starnes and Thomas issued at regular intervals. They might have been

dismissed as exaggerated sensationalism but for an explosion in September 1940 at the Hercules powder plant in New Jersey. The fifty-one deaths that resulted from the blast made Committee predictions appear less hysterical. Dies used the tragedy to his advantage, telling the press that a year earlier his investigation had revealed plans to blow up the plant, but government officials had only “laughed at us” when he attempted to warn them.44

Since 1940 was also an election year, Dies attempted to use the nation’s nascent war fears to pressure the two presidential candidates, Roosevelt and Wendell Willkie, to state their position on an issue that was dear to him: his bill to “illegalize organizations which have been proved to be under the control of foreign dictators, who use such organizations as vehicles of propaganda and window-dressings for espionage and sabotage.” Willkie never responded, and Roosevelt, while declining to make a public statement, wrote Dies that he had doubts whether outlawing such organizations was “consistent with the preservation of the rights of the citizens of a Democracy.” As a more practical means of “combating these evils,” the President supported legislation requiring the registration of all members of organizations under foreign control.45

After Roosevelt was re-elected, Dies stepped up his campaign, which he had begun the previous summer, to transform the Committee from a congressional investigative body designed to collect information and inform the

public about foreign propaganda, to something resembling a law enforcement agency working closely with the executive branch to prevent and punish sabotage. While Dies blithely ignored the fact that he was treading outside of the traditional and constitutional bounds of congressional committees, Roosevelt consistently reminded the ambitious congressman of the demarcation between the legislative and executive branches.

Dies had been warning the President about fifth column cells in navy yards and aircraft factories since June. Although disclaiming the need for "hysterical alarm," he expressed dismay that the Justice Department and the FBI seemed to have little information regarding these groups. Roosevelt replied that he believed the Justice Department and the FBI had the situation well in hand, but he appreciated Dies' offer of cooperation. He also noted that the closest a congressional committee could come to preventing sabotage was to inform the public of potential danger. Since a "legislative inquiry can draw inferences on evidence that does not meet the technical requirements of the courts," Roosevelt said, the Committee could best serve the country by exploring areas "beyond the reach of law enforcement." For this reason, he hoped that Dies would turn over any prosecutable material unearthed by his committee to the appropriate law enforcement agency, namely, the FBI.46

45 Dies to Roosevelt, August 27, 1940; Roosevelt to Dies, September 12, 1940, NARA, RG 233, Series 2, Box 4, File: Roosevelt, Franklin D.; Dies to Willkie, August 27, 1940, NARA, RG 233, Series 2, Box 6, File: Willkie, Wendell.
46 Dies to Roosevelt, June 1, 1940, Roosevelt to Dies, June 10, 1940, NARA, RG 233, Series 2, Box 4, File Roosevelt, President Franklin D.
In October, Dies was pestering the President again, asking him to instruct the Justice Department to assign investigators and attorneys to the Committee to help it develop leads. "I do not believe," Dies said, "that adequate steps are now being taken or that government agencies understand the technique and strategy being employed by agents of Stalin, Hitler, Mussolini and Japan in the United States." While extolling the need for executive departments to cooperate with the Committee "as they properly can," Roosevelt reminded Dies, "It must not be overlooked in this connection that the functions of a Congressional Committee and the objective of its activities are entirely different from the purpose of an executive agency." Roosevelt reiterated that when the Committee discovered evidence of violations of the law, it should forward the information to the FBI.47

A conflict over the investigation of the propaganda activities of German consuls finally bought the issue of the Committee's role in preventing and punishing sabotage and espionage to a head. In September 1940, Dies contacted Roosevelt and Secretary of State Cordell Hull about information discovered by Committee investigators regarding German consuls. Wanting to

47 Dies to Roosevelt, October 2, 1940: Roosevelt to Dies, October 9, 1940, NARA, RG 233, Series 2, Box 4, File: Roosevelt, Franklin D. In attempting to move into the field of internal security Dies risked running afoul of the FBI. Relations with the FBI had never been warm. FBI Director J. Edgar Hoover had always jealously guarded his power base. He was willing to cooperate with the Committee, but always on his own terms. To the Committee he claimed that he could not provide direct access to FBI files without permission from the Attorney General. Nevertheless, Hoover was willing to work with the Committee in a limited fashion. He granted the occasional request for information, leaked information that he wanted publicized, and he conducted background checks on Committee staff and investigators. He cooperated just enough to keep Committee members happy and to prevent any congressional effort to gain complete access to FBI files. Athan G. Theoharis and John Stuart Cox, The Boss: J. Edgar Hoover and the Great American Inquisition (Philadelphia: Temple University Press, 1988), pp. 155-156; see also, Kenneth O'Reilly, Hoover and the Un-Americans (Philadelphia: Temple
avoid embarrassing the President or Hull in their conduct of foreign affairs, Dies offered to show them his findings before making them public. Roosevelt quickly concurred, believing that the material was best left in the hands of the Departments of State and Justice. As a result of this exchange, Stripling and Hurley met with State Department officials to review the information. The State Department kept the files, weeks passed, and Dies received no word on whether he could publicize his findings. He again contacted Hull to ask if the State Department objected to his making the information public. On receiving Hull's consent, in November the Committee issued a 415-page "White Paper" detailing Nazi espionage and sabotage activities in the United States.48

Based on materials obtained by subpoena, the report included extensive telegrams, letters and other documentary evidence to make a case that the American Fellowship Forum and the German Library of Information Office were Nazi propaganda agencies. The report also examined the work of the Transocean News Service and the director of its New York office, Manfred Zapp. According to the report, prior to the rise of Hitler, Transocean had been a normal news service like the Associated Press and the United Press. But after the Nazis came to power, Transocean was "transformed into an agency for the dissemination of Nazi propaganda." The final section of the report charged that

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48 Dies to Roosevelt, September 20, 1940, Stephen Early to Dies, September 21, 1940, Early to Hull, September 21, 1940, Breckinridge Long to Early, September 24, 1940, FDR Papers, OF, Box 4, File: Dies Committee 1940.
Ferdinand A. Kertess, the head of the Chemical Marketing Company of New York, was operating a Nazi "commercial front."\textsuperscript{49}

Immediately upon its release, Attorney General Robert Jackson condemned the White Paper. His primary complaint was that it undermined the work of the FBI, which had been investigating Kertess, Zapp and Transocean for a year. This "premature exposure" threatened to destroy the case against these alleged Nazis. Publicity created by the Committee, Jackson said, complicated the job of the Justice Department by putting suspects on notice, which might lead to the destruction of relevant evidence. These types of investigations, he continued, were best left to a law enforcement agency like the FBI, which knew how to conduct an inquiry "without alarmist tactics and without sensationalism."\textsuperscript{50}

The public spat over the release of the White Paper prompted Dies to seek a rapprochement between his Committee and the investigative arm of the government. He telegraphed Roosevelt suggesting that his committee, the Justice Department, and the FBI coordinate their activities to avoid "duplication of efforts, confusion and fruitless controversy." "There is plenty of work for all of us to do," he said, "without indulging in unprofitable disputes and childish rivalries." In reply, Roosevelt commended Dies' attempt to achieve the "closest harmony" with the other executive departments investigating fifth columnists. As he had in

their earlier exchanges, however, he reminded Dies that "administrative duties in relation to illegal activities lie in the Executive Branch of the Government and not in the Legislative Branch." Echoing Jackson's complaints, he also chided Dies for the "premature disclosure of facts" and the "hasty seizure of evidence which might with a little more patience be obtained in a manner admissible in court."  

Dies was upset by Roosevelt's response. As soon as he had discovered that the organizations in question were engaged in propaganda activities, he had notified the administration and asked their advice on a course of action. When he was instructed to submit his evidence to the State Department, he had done so. Six weeks later he sought Hull's opinion on whether to publicize the information. Only after Hull failed to object did he make a public announcement. After presenting his case, Dies offered to meet with the President further to discuss the matter.  

Roosevelt agreed to a meeting, which took place at the White House on November 29, 1940. The President kept Dies cooling his heels in an anteroom for thirty minutes before seeing him. This was bad enough, but then the President emerged from his office with Dies' nemesis Gardner Jackson. This

50 "Dies Sensation," Newsweek, December 2, 1940, pp. 15-16.
51 Dies to Roosevelt, November 25, 1940; Roosevelt to Dies, November 26, 1940, NARA, RG 233, Series 2, Box 4, File: Roosevelt, Franklin D.
52 Dies to Roosevelt (no date), NARA, RG 233, Series 2, Box 4, File: Roosevelt, Franklin D.
slight was reported in the press and infuriated Dies, who later complained about it in a House speech.53

The ostensible purpose of the meeting was to discuss cooperation between the Committee and various executive agencies, but Roosevelt also used the occasion to address his concerns about the Committee's procedures. First, Roosevelt continued his attempts to make Dies understand the difference between the duties of a congressional committee and those of executive agencies enforcing the law. When Dies replied, "I think it is absolutely essential that all of us try to cooperate with you in every possible way, short of any sacrifice of honest conviction...." Roosevelt interrupted him to add, "And short of any violation of the spirit of the Constitution." As far as Dies was concerned, the central issue was that many of the activities of subversive groups did not violate any laws. In this regard, the Committee's informing function was the best means of addressing the problem. But on this day, Roosevelt never acknowledged the informing function. As far as he conceded to Dies, the only proper function of a congressional committee was to gather facts in anticipation of drafting legislation.54

Part of Roosevelt's reluctance to acknowledge the informing function was probably based on his direct experience watching the Committee target New Deal agencies. He indicated that he believed the line between informing the

54 The President's Conference with Representative Martin Dies, November 29, 1940, FDR Papers, OF, Box 4, File: Dies 1940.
public and making reckless charges often had been blurred by the Committee. For example, when Dies asserted that "a large part of un-American activities do not now constitute violations of any existing law," Roosevelt replied, "As long as you are careful not to expose any organizations which...are not guilty of subversive activities." Roosevelt was particularly concerned about incidents in which the Committee had labeled individuals "believers in the activities of [an] organization" when the only thing they were guilty of was contributing to the wrong charity. Later in the conversation Dies argued, "I doubt if any method you can devise, any new law...will take the place of the democratic method of exposure." "I think education is very necessary, Martin," Roosevelt replied, "just so long as you don't hurt human lives, because it is awfully hard...for the word of acquittal to catch up with the charge that is not proved."^55

In addition to these general complaints about Committee procedure, Roosevelt addressed specific complaints regarding the release of the White Paper. Gardner Jackson had lobbied the President on behalf of the Transocean News Service, arguing that it was a regular news service like the AP. Roosevelt asked Dies about these complaints, but the chairman stood by the accuracy of his report. Returning the conversation to his main concern, Dies pressed for a freer exchange of information. Roosevelt conceded little, however, explaining that an agency like the FBI could not share information without compromising its investigations. In the end, Dies agreed to contact the Justice Department and

^55 Id.
work out an arrangement regarding the exchange of information that was suitable to both.56

After meeting with Roosevelt, Dies defended his actions in public. He denied that his report interfered with the work of the FBI, and, in fact, believed he had done the nation a service by publicizing this information. "The fact that [the Justice Department] issued a statement," said Dies, "shows we woke them up." In a December 2 radio speech, Dies stated that the White Paper should not be interpreted as a criticism of the FBI, although he admitted to having offered "constructive criticism" of the Bureau's over-reliance on "counter-espionage in dealing with the fifth column." If the FBI had sixteen thousand rather than sixteen hundred agents, he argued, it still could not effectively prevent sabotage. Part of the problem was that some sabotage activities were not illegal. Defining sabotage to include such things as propaganda and the spreading of rumors, Dies made an argument for the necessity of the informing function of congressional committees in exposing these legal, but dangerous, activities.57

Undeterred by Jackson's and the President's concerns, on December 1, Dies issued a "Red Book" on Communist espionage activities. Before its release he promised that it would reveal evidence of the Party's plans to sabotage defense industries and concentrate Communists in basic war industries. In

56 Gardner Jackson to Roosevelt, November 26, 1940, FDR Papers, OF, Box 4, File: Dies 1940; The President's Conference with Representative Martin Dies, November 29, 1940, FDR Papers, OF, Box 4, File: Dies 1940.
reality, the thousand page report was little more than a compendium of writings by Communist leaders.\footnote{Goodman, The Committee, p. 116; “Press Release, The Dies Red Paper,” December 1, 1940, NARA, RG 233, Series 20, Box 1, File: Dec. 1, 1940-Press Release.}

Dies also moved forward on securing an agreement with the Justice Department to exchange information. Because Voorhis was considered Roosevelt’s “sincere friend and supporter,” Dies chose the New Dealer to serve as liaison between the Committee and Robert Jackson. Immediately seeking to placate the Attorney General, in his initial contact, Voorhis quickly acknowledged that the Committee, unlike the Justice Department, had no power to enforce the law. Voorhis suggested, therefore, an arrangement that would play to the strengths of both bodies. The Justice Department would give the Committee information on fifth column activities for which it had insufficient evidence to prosecute, and the Committee would give the Justice Department material it had gathered that warranted prosecution. Jackson readily agreed, but reminded Voorhis that before it referred cases for prosecution, the Committee should be certain that there had been a violation of a specific federal statute and that the violation could be established by “technically admissible evidence legally obtained.” Although the Justice Department would doubtless have preferred to have no dealings with the Committee, this arrangement was a clear recognition of the value of the Committee’s informing function. The Justice Department,
unable to prosecute, could rely on the Committee to bring the spotlight of publicity on the activities of certain individuals. 59

Having finally come to an understanding with the Roosevelt administration about its proper role in the fight against fifth columnists, it appeared that the Committee was embarking on a new phase in which it would prove to be more crucial to the nation’s security than it had been at any time in the past. But, due in large part to Dies, this potentiality never developed. Instead, the Committee ceased to function as a committee. Increasingly, much of its work was carried out by Dies, working alone with his investigators. Sitting solo as a subcommittee, he held a great number of executive sessions. But after the 1940 summer, he never again appeared at a public hearing. The investigators continued to gather facts and report back to Washington, and what now passed for the Committee remained active by leveling charges and releasing reports. But the number of public hearings continued to decrease markedly. The Committee held fifty-three hearings in 1938, sixty-one in 1939, and only twenty-three in 1940, with the number dwindling until 1942, when the Committee held no public hearings at all. Although they restarted in 1943, Dies remained absent from the proceedings.

Dies continued to expound on the dangers of fifth columnists, but under his leadership, the hunt for saboteurs often appeared to be a thinly disguised continuation of his earlier crusades against the CIO and the New Deal. He made fewer attempts to include New Dealers Voorhis, Dempsey and Casey in decision-

59 Dies to Roosevelt, December 4, 1940, NARA, RG 233, Series 2, Box 4, File: Roosevelt, Franklin D.; Voorhis to Jackson, December 10, 1940; Jackson to Voorhis, December 10, NARA, RG 233, Series 2, Box 1, File: Jackson, Robert H. 1940.
making. Neither the White Paper nor the Red Book had been presented to the full Committee before their release. Regular Committee meetings were a thing of the past. And Dies was spending so much time in Texas that Voorhis requested he appoint Starnes vice-chairman in his absence, "so that decisions about matters...could be made in a little more orderly manner than is possible at present."60

By 1941, the nature of the Committee's work and public face had changed dramatically and permanently. Since Whitley's resignation over the Mayne affair, the Committee had functioned without a regular attorney on staff and Illinois Democrat Harry P. Beam replaced Dempsey, who had not run for re-election. Beginning in 1941, moreover, Dies seemed increasingly preoccupied with non-Committee matters. He was absent most of the Spring of 1941 while he unsuccessfully ran to fill the Senate seat of Morris Sheppard, who had died in April. Although a Democrat, Dies ran without the support of the Roosevelt administration, organized labor, and most Texas Democrats. He was never a factor in the race. The real contest was between Texas Governor "Pappy"

60 Voorhis to Dies, December 11, 1940, NARA, RG 233, Series 2, Box 1, File: Jackson. Robert H. 1940; Harold Ickes to Roosevelt, November 28, 1940, FDR Papers, President's Secretary Files, Box 55, File: Interior: Ickes, Aug.-Dec. 1940. In his November 1940 meeting with Dies, the President asked why the Committee had met only once since July. Dies feigned surprise, stating, "I'm not sure whether that is an accurate statement." Dies also stated that he received Committee approval before releasing both the White Paper and the Red Book. The President's Conference with Representative Martin Dies, November 29, 1940, FDR Papers, Official File, Box 4, File: Dies 1940.
O'Daniel and Lyndon Johnson. O'Daniel won, Johnson placed second and Dies came in a distant fourth.61

While Dies was busy with his Senate campaign, in May 1941, a subcommittee of Starnes, Voorhis and Mason began an inquiry of the American Peace Mobilization. In these hearings Voorhis tried valiantly, if fruitlessly, to convince his colleagues to implement fair procedure. The first witness was none other than Hazel Huffman, the main complainant during the Federal Theatre Project hearings. Huffman was now on the Committee payroll and her appearance was in keeping with most hearing appearances by its investigators. With Mathews conducting the questioning, Huffman merely reviewed her evidence of the Communist origins of the organization. When on occasion Voorhis would interrupt and ask for her sources, she said only that she would provide the information in executive session.62

A second witness, Mary Spargo, reviewed her findings regarding the AMP's work among federal employees. On occasion, Spargo lapsed into broad generalizations such as one that the Bituminous Coal Commission was dominated by Communists and that employees were afraid to object for fear of losing their jobs. When Voorhis asked for her evidence, Spargo stated that she would only feel comfortable going into detail in executive session. Still trying to hold the Committee to a semblance of good procedure, Voorhis replied correctly that she should either give her entire testimony in executive session or provide

62 Hearings, Testimony of Hazel Huffman, pp. 8391-8436.
the evidence in the public hearing, but he disapproved of making public charges with secret proof.63

If anything, the Committee should have held the executive session first to hear the evidence, and then decided whether to make the charges public. But Starnes, repeating the reasoning he had used in prior hearings, stated that while Voorhis' suggestion seemed fair, it must be remembered that the Committee was making no charges, it was merely listening to testimony from a witness. Starnes continued to disingenuously deny the practical effect of the Committee's public hearings.64

From 1941 until 1944, although Dies would make no more public appearances he continued to level charges based on information he claimed was in Committee files or that was uncovered by investigators. The same issues that had occupied him during the first several years of the investigation remained the focus in the last years. In the past, Dies used public hearings as the forum in which to question the Communist presence in the CIO. Now he began regularly to assault the CIO in House speeches. Moreover, he could now claim that the Communist presence did not only harm to the labor movement, it endangered national security. Dies never relented in his efforts to expose Communist influence in the CIO.

In 1941, he issued a report blaming the Communist Party for a Transport Workers' Union strike on New York City busses. As in every other Communist-led strike, Dies asserted, the Party was interested only in striking for the sake of

63 *Hearings, Testimony of Mary Spargo*, pp. 8436-8446.
striking. It had, therefore, prevented a quick settlement in the bus strike.65 In March, he took to the House floor to blame Communists for a strike at the Harvill Aircraft Die Casting Corporation in California. Specifically, he asserted that the Party sent Kenneth Eggert from Toledo, Ohio to California for the "express purpose of sabotage of our national defense." This strike, Dies said, was but a "foreset of a vast program of sabotage which the Communist Party and Nazi groups are now carrying out."66

A few weeks later, citing evidence gathered by his investigators, Dies claimed that Communists had infiltrated the steel industry via the Steel Workers Organizing Committee (SWOC). He read the names of twenty-seven people into the Congressional Record, listed their Party work and front group affiliations, and stated their position in the SWOC. Dies asserted, for example, that Clarence Irwin was

a member of the Communist Party, according to testimony before committee, has been advisor to Martin Young, alias Leon Platt, one-time district organizer of the Communist Party in Pittsburgh, has been on the payroll of the SWOC, Irwin was a member of the national executive committee of the American League Against War and Fascism in 1935.

64 Id.
66 Congressional Record, 77th Congress, 1st Session, March 19, 1941, p. 2355; Congressional Record Appendix, March 20, 1941, p. A1276. In addition to charges against the SWOC, in March 1941 Dies also attacked Communist infiltration in the Federation of Architects, Engineers, Chemists, and Technicians; the National Maritime Union; and the Auto Workers Union in connection with the Allis-Chalmers strike. Congressional Record Appendix, March 21, 1941, pp. A1301-A1304; March 25, 1941, p. A1369; March 27, 1941, pp. A1442-A1443.
These claims were all assertion. Dies offered no supporting evidence. Even his vague references to "testimony before the committee" were worthless. He gave no specific citations to the Committee record which would enable others to find the testimony in question—assuming that the testimony had even been made in a public hearing. Given that in the past the Committee had accepted bald assertions from witnesses regarding the Party affiliations of certain individuals, citations to the Committee hearings were crucial in order to verify or judge the evidence on which Dies based his charges against the twenty-seven alleged SWOC Communists. Again, however, this does not mean that these allegations were false or that the claims could not be verified through other means, only that Dies offered no evidence to prove them.67

SWOC Chairman Phillip Murray did not let these accusations stand unchallenged. He sent Dies a telegram pointing out that only one of the named individuals, Clarence Irwin, was currently on the CIO payroll. Of the remainder, fifteen of those mentioned had worked for SWOC in the past, but all had terminated their relationship between three and five years earlier. The final eleven had never been employed by SWOC. Accusing Dies of raising a "false alarm," Murray asked that his telegram be read on the floor of the House.68

Ignoring Murray's request, Dies inserted the telegram into the Congressional Record, but gave part of his reply from the House floor. Dies claimed that he had never stated that the named persons were still on the SWOC payroll. Dies was correct, he never made such a direct statement. Murray might

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be forgiven for thinking otherwise, however, since Dies had used the present
tense when he stated that "The following record of Communist infiltration into the
steel industry through the [SWOC] will serve to show something of the
Communist menace in this vitally important national-defense industry." Dies also
said that he had stated in his speech that he did not know whether these
individuals were still on the SWOC payrolls. But that was simply a lie. He had
expressed no uncertainty regarding whether these individuals were still employed
by SWOC. In his reply to Murray, Dies also chose to focus on the fifteen
individuals who had at one time been associated with SWOC, completely
ignoring the eleven who had never been on the SWOC payroll.69

So, while Dies had abandoned public hearings, he had not abandoned his
attempts to expose Communists within the CIO. His willingness to manipulate
war fears made his campaign all the more effective. Likening the "continued
toleration of Communists in positions of CIO leadership" to appeasement, Dies
said, "The American people will not long tolerate the interference of foreign
agents, whether they operate in labor unions or elsewhere with the program of
national defense which has the support of the overwhelming majority of our
people."70

68 Congressional Record Appendix, March 26, 1941, p. A1423.
69 Congressional Record, 77th Congress, 1st Session, March 26, 1941, p. 2574;
Appendix, March 26, 1941, pp. A1423-A1424.
70 Congressional Record, March 31, 1941, p. A1508. On Communists in the defense
industry see also, Congressional Record Appendix, August 4, 1941, p. A3753;
Congressional Record, December 2, 1941, pp. 9323-9328. In March Dies claimed that
the CP planned a strike in order to tie-up the aluminum industry. When a Cleveland
aluminum strike occurred the following June, a subcommittee of Starnes and Voorhis
called Alex Balint, the regional director of the National Die Casters Association to testify
Dies' attacks on Communists employed by the federal government similarly took on an added urgency from the war in Europe. "The extent to which communists and communist sympathizers have been able to obtain employment in the federal government has created a shocking situation whose only meaning is that an effective fifth column, directed from Moscow, has been, and still is, operating under the very shadow of the dome of the Nation's Capitol," Dies told the press in early 1941. "There is no longer any doubt that Stalin's fifth column is Hitler's fifth column." 71

Germany's invasion of the Soviet Union on June 22, 1941, did nothing to change Dies' attitude toward Communists. Acknowledging that the Soviet Union's entrance into the war would create "terrific pressure" on him to "embrace Stalin as a democratic ally," as far as he was concerned, "To succumb to these pressures will be to sacrifice the last vestige of a moral issue in the war." The fact that Hitler had turned on his former allies not only failed to rehabilitate the Soviet Union in Dies' mind, but it convinced him of the need to redouble his offensive against Communists in federal employment. "Unless we do this," he warned, "America will wake up one of these days to find that Stalin has utilized his present conflict with Hitler to establish his American agents in government

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71 Martin Dies. Today Released the Following Statement, (no date) 1941, NARA, RG 233, Series 20, Box 20, File: Press Releases-1941 #1.
and labor unions more securely than they [were] ever established there during the peak days of the People’s Front.”

To the Roosevelt administration and to some Committee members, however, Dies’ continuing attempts to uncover fifth columnists in federal employment looked very familiar. In 1941 and 1942, Dies made House speeches, wrote “open” letters to government officials, and issued reports charging that various government officials were either Communists or Communist sympathizers. Leon Henderson, administrator of the Office of Price Administration (OPA), Dies claimed, had belonged to five Communist fronts, including the Friends of Spanish Democracy. He had also staffed the OPA with Party sympathizers. In October 1941, at the request of Attorney General Francis Biddle, Dies sent a list of 1,121 federal employees allegedly affiliated with un-American organizations to be investigated by the FBI. The list, said Dies, proved that there was a “new influx of subversive elements into official Washington.” Goodwin Watson, a broadcast analyst for the Federal Communications Commission (FCC), was also, according to Dies, a Communist Party propagandist. And fully thirty-five officials at the Board of Economic Warfare, headed by Vice President Henry Wallace, had Communist front connections.

73 On Leon Henderson and the OPA, see Congressional Record. 77th Congress, 1st Session. August 8, 1941, p. 9626; August 12, 1941, pp. 7032-7038; November 25, 1941, pp. 9122-9125; Memo re: Letter from Dies, September 6, 1941; September 11, 1941, FDR Papers, OF, Box 4. File: Dies 1940; on list sent to Biddle, see, Dies to Biddle, October 17, 1941, NARA, RG 233. Series 20. Box 2. File: Press Releases, 1941 #2; on Goodwin Watson, see Congressional Record. 77th Congress, 1st Session, November 19, 1941, p. 9009; November 28, 1941, pp. 9201-9203.
These actions prompted denials, rebuttals and anger throughout Washington, not least among Committee members themselves.\textsuperscript{74} As had become his standard operating procedure, Dies presented most of these charges unilaterally. He no longer felt the need to consult with his Committee colleagues, especially the New Dealers. Voorhis was particularly galled by the letter Dies wrote Wallace making the charges against the Board of Economic Warfare employees. Dies had failed to show the letter to any other Committee member, then released it to the press before Wallace had received it. In a House speech, Voorhis once again pleaded with the chairman to refrain from acting publicly until the completion of a full investigation and without first taking a Committee vote.\textsuperscript{75}

Dies doubtless preferred operating as a Committee of one, given that when he was forced to deal with Voorhis and Dempsey they had an annoying tendency to challenge him. In early 1940, for example, after Dies announced to the press that he had compiled the names of over a thousand Communists employed by the government, Dempsey approached Whitley and asked to see the list. Whitley replied that he was unaware of any Communists working for the government. At the next Committee meeting Dempsey moved to make the

\textsuperscript{74} Wallace, in particular, delivered a scathing rebuke to Dies regarding the charges against the Board of Economic Warfare. If he had truly been interested in helping the war effort, Wallace said, Dies would have consulted with him about the matter. Instead, Dies chose to “inflame the public mind by a malicious distortion of facts.” If the nation were at peace Dies’ actions might be dismissed as the product of a “witchcraft mind.” But since the nation was at war, these charges served only to “arouse the public mind.” “[T]he effect on our morale,” said Wallace, “would be less damaging if Mr. Dies were on the Hitler payroll.” Statement of the Vice-President,” March 29, 1942, FDR Papers, OF, Box 4, File: Dies 1942-1944. See also, Memorandum from Milo Perkins to Wallace Re: Board of Economic Warfare employees response to Dies’ accusations, March 30, 1942, FDR Papers, OF, Box 4, File: Dies 1942-1944.

\textsuperscript{75} Congressional Record, 77\textsuperscript{th} Congress, 2d Session, March 30, 1942, pp. 3213-3217.
names public, which forced Dies to admit that no such list existed. Although Dempsey gave this information to reporters, he was frustrated that their willingness to print Dies' original claim and lack of interest in publicizing the truth.76

The Roosevelt administration, meanwhile, kept close tabs on the Committee's internal conflicts and attempted to use them to its advantage. Biddle's request for the list of 1,121 federal employees affiliated with subversive organizations, although part of a broad inquiry of employees in every government agency and department who were accused of belonging to subversive organizations, was also partly an attempt to call Dies' bluff. The FBI investigated each of the names on Dies' list. It first eliminated duplicate names, persons no longer employed by the government and civilian employees working for the Navy and War Departments. This left 767 individuals to be investigated. Although the FBI was still in the process of investigating the final sixty-nine names, Biddle made the results public in September 1942. Based on the Bureau's findings, there had been two dismissals, one instance of administrative action other than dismissal, and 498 cases in which officials decided to take no further administrative action.77

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76 Memo, James Rowe, Jr. to Stephen Early re: Dies Committee, January 4, 1940, FDR Papers, OF, Box 4, File: Dies Committee 1940.
77 Biddle to Senate and House of Representatives, September 1, 1942, NARA, RG 233, Series 2, Box 1, File: Interdepartmental Committee on Investigations. On June 28, 1941, as part of its annual appropriation to the Department of Justice, Congress included $100,000 for the FBI to be used to "investigate the employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate overthrow of the government." After completing its inquiries, the FBI was to report its findings to Congress. To oversee the process, including establishing procedure for the investigation, multiple departments contributed
In addition to the names supplied by Dies, Biddle had received complaints about an additional 3,479 government employees. Following the process of eliminating names, 1,814 cases remained, of which 1,224 had been completed at the time that Biddle reported to Congress. FBI findings in these cases led to thirty-four dismissals and twelve cases of other disciplinary action. Biddle concluded that "these figures may fairly be said to demonstrate that the Government is not 'infiltrated' with Communists, Bundists, or Fascists." Not only did a large proportion of the complaints appear to be unfounded, said Biddle, but this was "conspicuously true of the list submitted by Congressman Dies." Hundreds of the names that Dies supplied were alleged to be subversive based on nothing more than having appeared on a mailing lists of allegedly un-American organizations. The results of the FBI inquiry, Biddle complained, "have been utterly disproportionate to resources expended."  

members to an Interdepartmental Committee on Investigations. Public Law No. 135, 77th Congress, 1st Session, June 28, 1941; Biddle to Senate and House of Representatives, September 1, 1942, NARA, RG 233, Series 2, Box 1, File: Interdepartmental Committee on Investigations  

78Biddle to Senate and House of Representatives, September 1, 1942, NARA, RG 233, Series 2, Box 1, File: Interdepartmental Committee on Investigations. The day after Biddle submitted his findings, and again in the Committee's 1943 annual report, Dies objected to the manner in which the Attorney General and the FBI conducted this inquiry. Of the 1,121 names submitted, said Dies, only 601 were investigated. When the FBI had finished its investigation of the individual employee, it forwarded its report to the appropriate department head, who could then take whatever action he wished. At the time that Biddle reported to Congress, he had received replies on only 501 of the cases. "The Attorney General did not enlighten the Congress as to how many of the Federal employees included in the original list of 1,121 had resigned or what disposition had been made of the 100 cases which had not been heard from," Dies complained. This criticism was at least partly justified. Biddle did not specify the precise number of resignations among the original 1,121, but he did say that he had eliminated the duplicates, persons no longer employed, and civilian employees, leaving a total of 767 on Dies' list. The failure to state the number of resignations, then, appears to be a non-issue. But Dies was right to complain that Biddle had reported his findings to Congress before the investigations were complete. When he issued his findings, 69 investigations
While Dies was behaving in an increasingly unilateral and reckless manner, Voorhis, who had always lobbied for the employment of standardized and fair procedures, continued to fight the Committee's decline. His last series of conflicts with Dies began when the chairman turned his attention to Japanese subversive activities. On December 11, 1941, three days after the Japanese attack on Pearl Harbor, Dies announced that the previous August he had been prepared to hold public hearings in which fifty-two witnesses would have testified about Japanese espionage in California and the Pacific Islands. He chose not to hold the hearings, however, out of deference to the wishes of Roosevelt and the Departments of Justice and State, who did not want to jeopardize ongoing diplomatic negotiations with Japan. In a House speech a few weeks later, Dies claimed that had the hearings been held in August, Pearl Harbor might have been avoided. Days later he warned of some 15,000 Japanese nationals engaged in espionage in the United States. He also promised to release a "Yellow Paper" detailing the evidence that had been in his possession since the previous summer. Dies' biggest revelation was that in the fall of 1941, he had presented his evidence of an impending Japanese attack to various government officials. Finally, he said that the ongoing espionage and sabotage danger was

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were ongoing. Also, Dies was concerned that of the 601 completed investigations, Biddle had heard back from department heads on what actions they would take against the accused employees in only 501 cases. So while Biddle reported that there had been only two dismissals and one instance of administrative action other than dismissal, he was still lacking information in over 100 cases. Realistically, however, given how few dismissals and administrative actions had been taken in the other 601 cases, it was doubtful that the number would have gone up much in the remaining 100. Moreover, Biddle clearly stated that he believed that most of the charges against the employees had little merit. Report of the Special Committee on Un-American Activities, House Report No. 2748, January 2, 1943, pp. 6-7; Biddle to Senate and House of
so great that the forthcoming report would recommend that all Japanese on the West Coast be moved five hundred miles inland. 79

Dies' assertions that he had presented evidence of a coming Japanese attack in the Pacific to government intelligence officials quickly became entangled in the 1942 debate on Committee re-authorization. At a Rules Committee hearing in February on the resolution to continue the investigation, Vito Marcantonio questioned Dies' claim. In the House, Freshman Representative Thomas Eliot of Massachusetts attacked the Committee for its history of poor procedure and also cast doubt on Dies' Pearl Harbor revelations. A little over a week later, Voorhis stated that he had seen nothing in the Committee's files on Japanese activities that could have been used to predict where and when an attack would occur. He added, however, that the hearings might have raised national awareness of the danger of such an attack. 80

The allegation that government officials had failed to act on information that could have prevented Pearl Harbor was extremely serious. A disbelieving Marcantonio was furious that Dies would make such an outrageous claim. He began consulting with the implicated government officials at the State Department and the White House, all of whom denied ever receiving such

80 Hearings Before the Committee on Rules, House of Representatives, 77th Congress, 2d Session, February 10 and 11, 1942, pp. 41-48; for Eliot's comments, see Congressional Record, 77th Congress, 2d Session, February 18, 1942, pp. 1430-1434; for Voorhis' comments, see Congressional Record Appendix, February 26, 1942, pp. A724-A726.
information. The White House, Marcantonio continued, also denied having prevented Dies from revealing any information about Japanese activities. Marcantonio then produced a letter from Dies to the acting Attorney General, dated August 27, 1941, in which he suggested that the Justice Department look into the Japanese threat, but did not offer any information.81

Finally released in late February, the Yellow Paper failed to prove Dies' expansive claims about foreknowledge of Pearl Harbor. It did, however, prominently feature a letter from Assistant Attorney General Mathew Maguire stating that the Departments of State and Justice, and the White House considered public hearings on Japanese espionage inadvisable at that time. The letter did not indicate that Dies had included information warning of a Pacific attack. Nor did the lengthy report, which contained extensive information about Japanese activities on the West Coast, include any of the alleged material that supposedly forecast the Pearl Harbor attack.82

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82 Report of the Special Committee on Un-American Activities on Japanese Activities, Appendix, Part 6, February 28, 1942. Shortly after issuance of the Yellow Paper, Eliot entered a refutation of many of its elements into the Congressional Record Appendix. Eliot argued correctly that most of the report consisted of background material. The most talked about feature of the report, a Japanese map allegedly showing the fleet positions of the United States Navy around Pearl Harbor, had come from a 1935 edition of a widely distributed Japanese magazine called King. Eliot also claimed to have obtained his own copy of the Japanese handbook of the American Navy, which the Committee claimed to have gone to great lengths to obtain, merely by asking for a copy from the Library of Congress. He concluded that the Committee report on Japanese espionage contained little information of importance or relevance. Congressional Record Appendix, 77th Congress, 2d Session, March 7, 1942, pp. A 891-892. Eliot also entered into the Record the correspondence he had obtained on the issue of whether the Departments of State and Justice had stopped Dies from holding public hearings. Biddle wrote Eliot denying that he or anyone at the Justice Department had ever
The Yellow Paper primarily provided Committee opponents with fodder to discredit the investigation, particularly since the annual re-authorization vote, which usually took place in January, did not happen until March 1942. In the days before the vote, Eliot and Marcantonio led the opposition to continuation by focusing on the inadequacies of the Yellow Paper. The actual re-authorization debate focused on the Committee's failure to maintain an adequate investigation of Nazi activities. Nevertheless, supporters argued that world events made the Committee more important than ever. Voorhis made his annual plea for improved procedures, noting that the Committee had not held a single meeting since its last re-authorization, and that it continued to act without seeking majority decisions. As usual, despite the complaints, the House voted 331 to 46 in favor of continuation.83

In a letter to the President in 1940, Harold Ickes noted that although Voorhis was "opposed to many of the things that Dies does" and was becoming increasingly impatient, when it came to Committee matters, he was, nevertheless, "inclined to be transcendental." By summer 1942, however, Voorhis was settling down to earth. Not only were his frustrations increasing, but his position on the Dies Committee was threatening to undo his political career. Roosevelt's political intelligence indicated that Democratic leaders in California prevented Dies from revealing facts. Biddle's denial, however, was directly contradicted by the letter from Assistant Attorney General Mathew Maguire. Ibid., pp. 880-881

were concerned that Voorhis' Committee work put his re-election at risk. They hoped that the President might be able to bring about Voorhis' reappointment to a committee with fewer political liabilities. Voorhis' tenure on the Dies Committee was nearing its end. 84

In 1942, the Committee failed to hold a single public hearing. Its energies were spent attacking Wallace via the Board of Economic Warfare and issuing a report on the Union for Democratic Action (UDA). Created in 1941, before Germany's invasion of the Soviet Union, the purpose of the UDA was to lobby the Roosevelt administration to enter the European war. In the report written by Starnes, the Committee chose to interpret the UDA's work as an "effort to obliterate the Congress of the United States as a co-equal and independent branch of our Government." The UDA, Starnes asserted, did not merely criticize Congress, it wanted to "alter our form of government by attacking its legislative branch." Although never directly calling the UDA a Communist front or a Communist-dominated organization, Starnes tied its officials to a variety of alleged Communist fronts and concluded that "the spearhead of the attack upon Congress as an institution stems from a group of men who have had long training and experience in the ideology of Karl Marx." 85

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For years Voorhis had been pleading in vain for the Committee to behave like a committee, and the UDA report merely underscored his failure. No hearings had been held on the UDA, nor had the Committee met to discuss the report's contents. In anticipation of the report's release, one meeting had been called which only four members attended. This meeting was the first time that Voorhis had ever seen or heard of the report. He was pressured to add his name without being given an opportunity to make suggestions or even read the report. For the first time, Voorhis refused to go along, issuing his own minority views instead.86

In addition to the procedure employed in releasing the report, Voorhis objected to its contents. Not a single claim regarding the Communist ties of UDA officials could be substantiated. Moreover, the Communist Party had opposed the UDA since its inception. During its entire history, Voorhis argued, the UDA's "position, down to the time of Hitler's attack on Russia, was the exact opposite of that of the Communist Party." It was absurd, therefore, to imply that the UDA was a Communist-dominated or affiliated organization. The real objection to the UDA was apparently the fact that it had recently prepared and publicized a list of individual congressmen whom the group had targeted for defeat in the upcoming elections. While acknowledging the right of members of Congress to criticize the UDA, Voorhis said, "It is ineffectual and undignified for Congress or any committee of Congress to attempt to answer [the UDA] attacks by the mere

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assertion that the attackers are not good Americans.” Voorhis emphatically asserted the right of every American to criticize Congress.87

Voorhis’ final break with the Committee accompanied the release of the 1943 annual report. Since it had not produced a report the previous year, the Committee reviewed its activities going back to 1941. It began by revisiting the subversive affiliations of Leon Henderson, Goodwin Watson, and the employees of the Board of Economic Warfare. It also included sections on the American Peace Mobilization and the sabotage strikes in the defense industry, including Harvill and the New York Transport Workers Union Strike. After reviewing its earlier findings in the Yellow Paper, including that West Coast Japanese fishing vessels were an important “arm of espionage for the Japanese Navy,” that Japanese language schools “inculcat[ed] traitorous attitudes” among American-born Japanese, and that many Japanese had obtained employment in Los Angeles public utility services “where they were in positions to do incalculable fifth column damage,” the Committee claimed for itself the credit for the “removal of the Japanese population from vital west-coast areas.”88

Once again, Voorhis refused to sign a Committee report and issued a minority statement. As before, Voorhis received no opportunity for input on this report. Dies had presented it to him on a “take it or leave it basis.” Voorhis left it. In his minority views, he included a lengthy list of substantive objections to the majority report. He opposed the inclusion of Dies’ claims against the Communist

87 Id.
affiliations of certain government employees. In 1941 he had objected to Dies' accusations against employees of the Board of Economic Warfare only to be told that these charges were "the chairman's personal action and the committee was not involved." "And yet," wrote Voorhis, "such material appears here in an annual report of the committee as a whole." While agreeing that Communists should not be employed by the government, Voorhis asserted that the Committee had been dishonest about the evidence it used to prove that certain individuals were engaged in subversive activities. The Committee claimed that it based its charges on membership lists "obtained largely by subpoena and...identified by the officials of the organizations involved." But Voorhis knew that in some instances the Committee used mailing lists at which no attempt at verification had been made.  

Voorhis also believed that the report should have focused only on countries with which the United States was at war, and guided the American people "as to how they might identify, avoid, and combat the propaganda and activities of agents and friends of enemy nations." The section on the sabotage strikes of 1941 was deficient in that it failed to mention the loyalty of the vast majority of American workers. Finally, the Committee's claim that it was responsible for Japanese removal was "extravagant." His colleagues should also have stated that many Japanese-Americans had "maintained a loyalty to the United states."  

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90 Ibid., p. 15-16.
The 1943 report proved to be the final straw for Voorhis, he resigned shortly after its issuance. Although he had consistently acted as the Committee's conscience, trying to temper its excesses and implement a semblance of orderly procedure, all of his attempts had failed. In the process he had failed to please any constituency. Excoriated by conservatives and a disappointment to liberals, historian Walter Goodman wrote, "Voorhis' only real weakness was that of a rational, fair-minded, and courteous man thrown into the company of men who were irrational, unfair, and discourteous and who had the power to satisfy their rudest passions.\textsuperscript{91}

The Committee limped along for two more years with substantially different personnel. Casey, Beam, and Voorhis were replaced by Tennessee's Wirt Courtney, California's John M. Costello, and Pennsylvania's Herman R. Eberharter. The House also added Republican Karl E. Mundt of South Dakota. The most significant undertaking in the Committee's final years was its inquiry into conditions in the Japanese internment camps of which Dies was so proud. A subcommittee comprised of the Committee's newer members, Costello, Eberharter and Mundt, traveled to Los Angeles to hear testimony. Dies had very little to do with either the investigation or the subsequent report.\textsuperscript{92}

In 1944, Dies began what would be his final assault on the CIO. This time, the target was not a particular union but the labor organization's Political Action Committee. In a report issued in March, the Committee acknowledged the CIO's right to "engage in political campaigns within the limits of the statutes

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\textsuperscript{91} Goodman, \textit{The Committee}, p. 145.
which govern such activity." The problem was that the origin of the CIO-PAC "was definitely with the Communist Party and some of its leaders." The report stated that its intent was not to "impeach the Americanism of the overwhelming majority of the rank and file members of the unions." "Our investigations," it explained, "have been concerned solely with the Communist penetration" of the CIO-PAC.93

Most Committee-watchers believed the CIO-PAC report would be the first shot fired in another epic battle between Dies and the CIO. But the chairman stunned everyone when he announced two months later that he would not seek re-election. On April 1, 1944, six weeks before Dies' retirement announcement, columnist Drew Pearson had written that, hoping to unseat Dies, the CIO was busy registering some 70,000 new union voters in Orange County. Coming on the heels of this column, Dies' announcement enabled the CIO to claim that it had frightened him out of standing for re-election. Certainly, few people believed his stated reasons of ill health and a desire not to turn into a professional politician. But a recent analysis of Dies' electoral record and his district's demographics has shown that the CIO boast was untrue. Dies' position in his district was secure and he was confident that he would win an eighth term.94

92 Ogden. The Dies Committee, pp. 277-287.
In reality, the reasons that Dies' gave for his retirement were close to the truth. His health had always been precarious. During his last several years in office, Dies had spent months at a time home in Texas recovering from a variety of ailments. Immediately preceding his retirement announcement, he had briefly believed that he had throat cancer. Although this turned out to not be true, it evidently scared him. He also had been bitterly disappointed by his loss in the 1941 Senate race. Although he likely did not fear becoming a professional politician he was concerned that his political career had stalled.95

Dies' retirement brought with it the end of the Special Committee on Un-American Activities. For a brief time it appeared that the Committee might finally overcome its poor reputation and assume a place alongside the nation's law enforcement agencies battling the fifth column. Dies had spent three years warning the nation of the dangers of subversion, yet when presented an opportunity for respectability he chose instead to begin the most reckless phase of his career. He made public claims that he could not support, he refused to relent in his campaign against communism, the CIO and the New Deal, and he alienated his Committee colleagues with whom he disagreed. By foregoing hearings and making accusations on the House floor and in the form of public announcements and reports, he had also finally found a way around the problem of procedure—he simply ignored it.

95 Id.
Conclusion

As the new congressional session began in January 1945, it appeared that the investigation on un-American activities had finally come to an end. Dies and Mason had retired, Starnes had lost re-election, and interest in extending the inquiry had faded. On the first day of the session, however, Mississippi's John Rankin proposed an amendment to the House rules to create a new standing committee devoted exclusively to the investigation of un-American activities. Although his proposal stunned most House members, Rankin managed to rally the support needed to carry the day. By a twenty-one vote margin, the House entered the next phase of the war against subversion. The new, permanent House Un-American Activities Committee had fewer restraints on it than the previous inquiry since it would not be required annually to justify its existence. It embarked on a course that would at times make Dies look tame by comparison.¹

Although roundly condemned by liberals and intellectuals, Dies' work on the Un-American Activities Committee had transformed him from an obscure southern congressman into a nationally known figure. In November 1939, the New York Times reported that over the past year Dies' name had appeared in print with more frequency than that of any other U.S. representative. His notoriety enabled him to headline a rally at Madison Square Garden before an
estimated ten to twelve thousand people. Harold Ickes scornfully observed that
the crowd did not even half fill the venue and if the press reported ten to twelve
thousand, "this means that there probably were not more than six to eight
thousand." Nevertheless, even accepting Ickes' lesser number, this was six to
eight thousand more people than any other member of Congress could attract to
a political rally not held in the congressman's home state. It would take an
individual of immense popularity to cause Sam Rayburn to remark in 1939, that
"Martin Dies could beat me right now in my own district."^2

Dies never lost his high standing with the public, but he always faced a
strong core of resistance among Washington's liberals both inside and outside
government. His love of headlines and partisan attacks on the New Deal
generated deep contempt on the left. Part of this distaste may have been a
reaction to his personal demeanor. Dies was the quintessential blustering,
backslapping, cigar-chomping, East Texas good-old-boy politician. Of course,
Dies was part of a committee, and he had assistance evoking liberal and
intellectual disdain. The Shirley Temple gaffe and the now infamous question to
Hallie Flanagan asking whether Elizabethan dramatist Christopher Marlowe was
a Communist helped create the impression that the Committee was comprised of
a bunch of yahoos.

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1 Walter Goodman, *The Committee: The extraordinary career of the House Committee
2 Frederick R. Barkley, "Dies Makes a Name Fighting 'Isms,'" *New York Times*
   November 5, 1939, Sec. IV, p. 10; "Dies At Rally Here Warns U.S. To Stop Its 'Aping' of
   Harold Ickes* (New York: Simon and Schuster, 1954), p. 73; Rayburn quoted in
Most liberal criticism was predicated not on the fact that the Committee's very existence created a chilling effect on the constitutionally protected rights of free speech and association, but on poor procedures. Hearings were condemned for a lack of fairness to witnesses and for accepting evidence that would be inadmissible in a courtroom. To judge the work of the Dies Committee, this dissertation also has set aside the issue of the compatibility of an un-American activities inquiry with the First Amendment rights of free speech and association, and instead focused on how it conducted its investigation. Most of the issues under consideration here had not been resolved, or, in many cases, addressed in the 1930s. The abuses of the HUAC and McCarthy hearings during the Cold War forced a consideration of many of the questions the Dies Committee had fueled regarding the proper function and practice of congressional investigations.³

For example, one of the threshold issues considered in this dissertation was the appropriateness of the use of the informing function. Kilbourn and McGrain had indirectly questioned the validity of congressional investigations to

³ Liberals probably chose to make their stand on procedure because the First Amendment, having suffered a string of defeats at the hands of the Supreme Court during the Red Scare of the 1920s, provided relatively little protection for unpopular minorities at this time. See Schenck v. United States, 249 U.S. 47 (1919) (The First Amendment does not protect free speech when the speech creates a clear and present danger of substantial harm to important national interests); Debs v. United States, 249 U.S. 211 (1919); Frohwerk v. United States, 249 U.S. 204 (1919); Sugarman v. United States, 249 U.S. 182 (1919); Gitlow v. New York, 268 U.S. 652 (1925) (A state may prohibit speech previously classified as dangerous to the foundations of organized government, even if the speech is cast in general terms, does not call for immediate acts, and is not addressed to specific person); Whitney v. California, 274 U.S. 357 (1927) (A state may make criminal any assembly or organization which advocates conduct that has been determined to endanger public welfare, and may prosecute on the
inform the public, and the Supreme Court did not return to the topic until the 1950s. In the 1953 United States v. Rumely decision, Justice Frankfurter, a strong advocate of the investigative process, quoted Woodrow Wilson in pronouncing the informing function "indispensable." 4

The issue arose again in Watkins v. United States four years later. The petitioner in Watkins had been subpoenaed before HUAC, but refused to answer questions that he believed were not "pertinent to the matter under inquiry." He admitted that from 1942 until 1947 he had cooperated with the Communist Party, signed petitions, made financial contributions to Communist causes, and attended Communist caucuses, but he denied ever actually joining the Party or subjecting himself to Party discipline. When HUAC questioned him about individuals who had been Party members in the past, but had since left, the petitioner refused to answer. 5

Earl Warren, writing for the Watkins majority, noted that while the power to investigate was broad, it was not unlimited. "No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress," he stated. "Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." Agreeing with the Kilbourn and Watkins opinions, Warren held that there was "no general

basis of membership rather than activity); Abrams v. United States, 250 U.S. 516 (1919).


authority to expose the private affairs of individuals without justification in the terms of the functions of the Congress." Congress was neither a law enforcement nor a trial agency. These were tasks that belonged to the executive and the judiciary. Any inquiry must be related to a legitimate task of Congress.\(^6\)

Citing Woodrow Wilson, the Court affirmed that one such legitimate task was the informing function. It went on, however, explicitly to reject the assertion of a "congressional power to expose for the sake of exposure." "The public is, of course, entitled to be informed concerning the workings of its government," but, Warren cautioned, "That cannot be inflated into a general power to expose where the predominant result can only be an invasion of the private rights of individuals." Still, the Court refused to examine the motives of the Committee. It considered instead the legislative purpose as stated in the authorizing resolution and whether the information demanded of the witness came within the scope of the investigation.\(^7\)

Since Kilbourn, the Supreme Court had consistently held that an authorizing resolution for a legislative investigation must state the purpose and jurisdiction of the investigation with "sufficient particularity." This was especially true if the Committee planned to make use of the power of contempt. "Broadly drafted and loosely worded" resolutions, Warren warned, "can leave tremendous latitude to the discretion of the investigators. The more vague the committee's

charter is, the greater becomes the possibility that the committee's specific actions are not in conformity with the will of the parent House of Congress.\footnote{Watkins v. United States, 354 U.S. 178, 201.}

When the Special Committee on Un-American Activities chaired by Martin Dies became a standing committee in 1945, its authorizing resolution was transferred intact. House Resolution 282 authorized an investigation into:

(1) the extent, character and objects of un-American propaganda activities in the United States; (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution; and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.\footnote{H. Res. 282, 75th Congress, 3d Session, May 26, 1938.}

Warren's comments, therefore, applied to the same resolution under which the Dies Committee had operated. The Court now found the resolution inadequate. “It would be difficult to imagine a less explicit authorizing resolution,” Warren wrote, “Who can define the meaning of ‘un-American’?” The Court also doubted the ability to define “that single, solitary ‘principle of the form of government as guaranteed by our Constitution?’” Nor had the Committee, in its fifteen years of existence, ever confined its activities to investigating “propaganda” as narrowly defined. “No one could reasonably deduce from the charter the kind of investigation that the Committee was directed to make,” Warren concluded. This forced the Court “to engage in the process of retroactive rationalization” to determine the purpose of the investigation.\footnote{Watkins v. United States, 354 U.S. 178, 202, 204.}
The respondent in this case, the United States, wanted the Court to look at the Committee's history and to "uphold the Committee's actions unless it appears that they were clearly not authorized by the charter." Attorneys for the government also urged the Court to consider the important public interest served by a Committee investigating efforts to overthrow the government by force, so that it might fashion legislation to prevent such an event. But the Court refused this argument, reasoning, "From this core...the Committee can radiate outward indefinitely to any topic thought to be related in some way to armed insurrection." The Court insisted that the House state the purpose of the investigation in detail. Without it there would be no checks on an investigation but those a committee placed on itself. A committee might have good intentions, but the decisions it makes "can lead to ruthless exposure of private lives in order to gather data that is neither desired by the Congress nor useful to it." ¹¹

The 1957 Watkins decision did not govern the conduct of the Dies Committee. Although the authorizing resolution found wanting in Watkins was the same one under which Dies operated, it is implausible to reason retroactively

¹¹ Watkins v. United States, 354 U.S. 178, 204, 205. In the Watkins case, the alleged topic of the hearings on the day in question was Communist infiltration into labor. But six of nine witnesses had no connection to labor at all. Since neither the authorizing resolution nor the Committee's opening statement on the day of the hearing provided the petitioner with any real idea of the subject under discussion, he was justified in refusing to answer. The Court, therefore, reversed the order of contempt. The Watkins decision, observed University of Chicago Law Professor Harry Kalven, at first seemed to usher in a new era of judicial review of congressional investigations. It had the "unmistakable air and sweep of the great case with the Court conscious of handling a great issue of policy." But in the end, the Court's decision was narrowly drawn: a witness could not be held in contempt for refusing to answer a question that was irrelevant to the topic at hand, and the subject of the investigation must be stated with particularity. Watkins v. United States, 354 U.S. 178, 212-215; Harry Kalven, "Mr. Alexander Meiklejohn and the Barenblatt Opinion," University of Chicago Law Review, vol. 27, 1960, pp. 318-319.
that the Supreme Court of the thirties and forties would have made the same finding against Dies, particularly since the hunt for subversives had intensified since Dies' time. But Watkins, based on Kilburn and McGrain which did govern the conduct of the Dies Committee, offers an instructive discussion of factors to be taken into account in considering the informing function, and holding the Committee to the standards outlined in the opinion is an enlightening exercise.

Although in Watkins the Court held that the Committee's authorizing resolution insufficiently defined un-Americanism, the Dies Committee actually did attempt to define the term. Its 1939 Report to the House of Representatives identified communism, fascism, and nazism as the major offending "isms" comprising un-Americanism, but failed to distinguish among these ideologies as theories either of the Left or of the Right. The term un-American was defined primarily by contrasting it with "Americanism." This enabled the Committee to lump all "isms" into a single category and then dismiss them as equally dangerous. "Americanism," wrote the Committee, "is the recognition of the truth that the inherent and fundamental rights of man are derived from God and not from governments, societies, dictators, kings, or majorities." Moreover, "the essence of Americanism is...class, religious, and racial tolerance." In contrast, "the most correct definition" of communism, Nazism, and fascism was "that they all represent forms of dictatorship which deny the divine origin of the fundamental rights of man. Since all of these forms of dictatorship deny the divine origin of the rights of man, they assume and exercise the power to abridge or take away any or all of these rights as they see fit." Moreover, because Nazism and
fascism advocated religious and racial hatred, and class hatred was the basis of communism, these "isms" further conflicted with Americanism.\textsuperscript{12}

After defining "un-American," the Committee considered some of the principles specific to the "ism." To Committee members, communism was a political system whose primary purpose was to "exact blind obedience" from the people, one that squelched "individual initiative, ambition, and effort" in exchange for a "collectivism which will transform the individual into a slave of the state." Communism was simply another variety of dictatorship.\textsuperscript{13}

The Committee's definition of Americanism did not stray far from the conclusion of the Declaration of Independence, that all men "are endowed by their Creator with certain unalienable Rights." It is doubtful, however, that adherents of communism or fascism would consider "the most correct definition" of those ideologies to be that they deny the divine origins of the fundamental rights of man.

But the definition of un-American offered in the 1939 Report notably did not issue until after the Committee had completed its first nine months of inquiry, and did not reflect the Committee's working idea of what kind of information it was attempting to uncover. When the Committee was forced to state its purpose, it turned to the portion of the authorizing resolution that specified it was to investigate "subversive" activities that tended or were intended to overthrow the government. The Watkins Court completely overlooked this section of House

Resolution 282 mandating an investigation into subversive activities. Moreover, it rejected as too broad the government's contention that the investigation met a "need by the Congress to be informed of efforts to overthrow the government by force and violence so that adequate safeguards can be erected." 14

In addition to the inherent difficulty in defining un-American, the Court in Watkins noted that in the fifteen years of its existence, the Committee had never felt constrained by the requirement that it investigate "propaganda in the narrow sense of the word." Indeed, the Dies Committee never attempted to define the term or state any criteria for what might be considered propaganda. If defined as ideas disseminated to support a doctrine, in a broad view of the term almost every subject the Committee investigated could be considered related to propaganda. Communist infiltration into the CIO, the Federal Theatre, and dozens of organizations which were transformed into front groups all served the purpose, Earl Browder told the Committee, of acting as "transmission belts" through which the Party spread its message to the masses. Moreover, the Committee's mandate was to inquire into "the extent, character and objects of un-America propaganda." This instruction easily included the Committee's forays into alleged Silver Shirt plots to overthrow the government and the Committee's efforts to identify all of the participants in this right-wing network of conspirators.

As for the informing function, under the Kilbourn and McGrain holdings the Committee's right to use the investigation to educate and inform was in doubt.

But even under the *Watkins* standard which validated the informing function, Dies might have been on dangerous ground. *Watkins* held that Congress possessed no “general authority to expose the private affairs of individuals without justification in terms of the functions of Congress.” In *Watkins* the petitioner did not have to inform on individuals who were no longer Communist Party members. While the Dies Committee crossed this particular line on occasion, it was primarily concerned with individuals who currently were engaged in subversive activities. This argument would have placed the Committee well within the *Kilbourn*, *McGrain* and *Watkins* limitations. So while the Court determined House Resolution 282 to be inadequate, it strongly endorsed the informing function.\(^{15}\)

The issue at the heart of this dissertation, however, is the procedure applied by the Committee. Robert K. Carr, a prolific chronicler of legislative inquiries, observed that there have been few investigations of controversial topics that have not resulted in charges of poor procedure. Although the potential for abuse existed with all such committees, the very nature of investigating subversive activities made the possibility of harm much greater. Charges of subversion, once aired, were difficult to counter. By contrast, perceived procedural lapses of subversion inquiries inspired the reform proposals that have appeared regularly in the House and Senate since 1945.

Many of the reform proposals suggested doing away with special committees. Such a provision was included in the Legislative Reorganization Act


In 1955, the House adopted ten rules of procedure to govern the work of investigating committees. Instituted as a reaction against committee abuses of the Cold War years, these rules addressed many of the complaints registered against the Dies Committee. Their purpose was to assure majority control of committees and to safeguard the rights of witnesses. First, the rules mandated a quorum of not less than two committee members to hear testimony and receive evidence. They required the chairman to announce the subject of the day’s hearings in an opening statement; provide each witness with a copy of the rules of procedure; and punish all breaches of order and decorum. Attorneys could accompany witnesses and give advice, although their role remained limited. If the committee determined that any evidence or testimony would defame, degrade, or incriminate any person, it was required to hear the testimony in a closed session. The defamed person would then be provided an opportunity to appear. In responding to the charge, the defamed individual could request the service of subpoenas on additional witnesses. No evidence or testimony taken in an executive session could be made public or used in a public hearing without
the consent of the committee. At the committee’s discretion, witnesses could submit briefs and written sworn statements. Finally, a witness could obtain a transcript of his testimony if given at a public session, and a transcript of an executive session when authorized by the committee. 17

These rules attempted to balance the rights of witnesses against the congressional need to gather information. Had they existed in 1938 they would have cured some of the Dies Committee’s ills, but not all of them. They would have resolved the ongoing issue of public versus executive sessions. In the first year, critics took the Committee to task for failing to make better use of closed or “executive” sessions. By hearing witnesses in closed sessions, the Committee could determine the relevancy and accuracy of testimony before making it public. If the Committee then chose to hold public hearings, it could direct its questions narrowly to elicit only the evidence it wanted to make public. This was believed to be particularly helpful in screening cranks and witnesses with axes to grind, and preventing the public airing of slanderous and reckless charges. Closed sessions might also prevent the temptation to grandstand that was created by the presence of popping flashbulbs and newsreel cameras. Responding to these complaints, the following year the Committee attempted to hold more closed sessions. Time and financial constraints made this a short-lived effort.

In later years, the Committee held more executive sessions than public ones. This created its own set of problems, particularly if Dies was sitting alone

as a subcommittee. He could, and often did, make reckless, unsupported charges after a closed session. There was no way for the press or the public to confirm his version of the testimony. It became obvious that executive sessions could work only where a committee could be trusted to draw the right conclusions without exaggeration. The 1955 rule requiring two committee members to constitute a quorum to hold a hearing, and the requirement that a committee vote before publicizing testimony or evidence taken in an executive session would have effectively ameliorated this problem.\textsuperscript{18}

The 1955 rules also managed to find a middle ground between committee procedure as practiced by Dies and a full legislative trial. Allowing defamed individuals the right to appear, to request the calling of witnesses, and to submit briefs and sworn statements contributed to ensuring a much more equitable environment for witnesses. Although the Dies Committee occasionally allowed witnesses some of these protections, it never did so with consistency. Friendly witnesses like Knowles and Nimmo were permitted to present evidence in any manner they wanted. Unfriendly witnesses like Ellen Woodward could present their briefs, but were not guaranteed that they would be included in the record.

While the 1955 rules would have improved the conduct of the Dies Committee, and would have addressed most of Voorhis' complaints, they failed to address many of the issues discussed in this dissertation, primarily.

\textsuperscript{18} This use of closed sessions also became a major criticism of the procedure used by Joseph McCarthy. Telford Taylor complained that the biggest threat posed by closed hearings was that it enabled the Committee to almost completely control the information received by the press. McCarthy used this power, he alleged, to exaggerate and lie to reporters about information presented by witnesses. Without the public looking on,
evidentiary standards. Rules against hearsay and speculation, requirements for
the acceptance of documents, and the extensive use of circumstantial evidence
were still matters for the individual committee to determine. It was the use of
these types of evidence that were the most problematic when it came to
determining the credibility of the Committee’s findings.

Perhaps the most egregious Committee practice was permitting witnesses
to identify individuals allegedly engaged in subversive activities. Although Dies
announced that he would not allow witnesses to “smear” innocent people, it did
not take long before witnesses were listing dozens of names of alleged
subversives with only a minimal, if any, offer of proof. The names, therefore,
went into the public record, were repeated in press accounts, but were never
definitively proved. While a great many of the names proffered were exactly
what the witnesses claimed—Communists and fascists—many were not. And
while in its annual reports the Committee usually refrained from repeating these
charges against individuals, the public nature of the hearings and the extensive
press coverage meant that the damage was done to the named individuals long
before the report was issued. And as Dies acknowledged, once a charge had
been leveled against an innocent individual, it was “difficult to repair the damage
that has been done.”19

Regardless of the adequacy of the proof accepted by the Committee, as
historian Ellen Schrecker has noted of anticommunism generally, most of the

19 Hearings, Testimony of John Metcalf, pp. 2.
targeted people were not simply "innocent liberals" whose name ended up on the wrong mailing list. On the contrary, most of them had been involved with or were somehow closely related to the Communist Party. "Whether or not they should have been victimized," said Schrecker, "they were certainly not misidentified." This was the case for many of the people who crossed paths with the Committee.

What, then, was the Dies Committee's track record? Did it, in spite of its faults of hearsay and speculation, get the facts right? What accomplishments could the Committee claim?20

The conviction of Earl Browder probably stands as the Committee's greatest achievement. Appearing at a public hearing in September 1939, Browder, believed that he was protected by a three year statute of limitations when he told the Committee that he had traveled on fraudulent passports. Following a whispered warning from his attorney, Browder refused further comment by claiming his Fifth Amendment right not to incriminate himself. The Justice Department moved swiftly to indict. Following a trial, a jury deliberated for less than an hour before finding him guilty. The judge imposed the maximum allowable sentence of four years in prison and a $2000 fine.21

The arrest and conviction of Fritz Kuhn for misappropriating the funds of the German-American Bund has been cited by Dies, various congressmen in speeches supporting re-authorization of the Committee, and by at least one

historian, as one of the Committee's major successes. But the Committee cannot honestly take credit for Kuhn's incarceration. Although Kuhn's hostile, obfuscating hearing performance exposed him to the world as a cartoonish figure, it did not lead to his indictment and arrest. Prior to Kuhn's hearing appearance, New York City District Attorney Thomas E. Dewey had confiscated the Bund's records as part of an investigation of its finances. Kuhn's trial and subsequent two and a half year prison term in Sing Sing was Dewey's triumph, not Dies'.

Nevertheless, even if Kuhn is subtracted from the Dies tally, the Committee can rightfully take credit for fulfilling its informing function with regard to the German-American Bund, German propaganda agencies, and the other numerous right-wing organizations throughout the country. Although their testimony was at times filled with hearsay and conjecture, the Metcalfe brothers, for example, presented an accurate account of the Bund's activities and their Nazi sympathies. Although the Committee may have failed to uncover any definitive proof of a fascist right-wing conspiracy, in its exchanges with George Van Horn Moseley, George Deatherage, William Dudley Pelley and the numerous other witnesses involved in right-wing organizations, it did expose their

22 Historian William Rickenbacker, for example, states that as a result of Kuhn's testimony before the Committee in August and October 1939, he was "convicted of larceny and deprived of citizenship." This is a statement worthy of Dies. Kuhn's testimony had no influence on his conviction. Of course, Rickenbacker's account is included in a book defending HUAC's work. Rickenbacker also lists the release of the ALPD list as a Committee success, completely ignoring the controversy regarding whether it was a mailing or a membership list. William F. Rickenbacker, "A Short History of the Committee," in The Committee and Its Critics, William F. Buckley, Jr., ed. (New York: G.P. Putnam's Sons, 1962), p. 101.
anti-Semitic views to the public. At least two individuals whose names frequently surfaced in testimony, Arno Rissi and Leslie Fry, fled the country out of fear of the Committee's investigation. And the notorious White Paper accurately identified the Transocean News Service, the German Library of Information, and the German Railroads Information Office as propaganda agencies disseminating information collected from German consulates.24

As for New Deal agencies, the CIO and the various alleged front groups, the notion of Communist presence and influence was not a product of Martin Dies' imagination. As recent scholarship based on the Russian archives and the Venona cablegrams has revealed, Communist espionage networks thrived during the 1930s. Communists were deeply ensconced in the Federal Theatre Project, as the committee had claimed. Nathaniel Weyl, T.A. Bisson and Jack Fahy, three of the officials Dies labeled as subversive at the Board of Economic Warfare were, in fact, not merely Party members but engaged actively in espionage on behalf of the Soviet Union.25

24 Canedy, America's Nazis, pp. 154-155
The Committee was also correct about Communist presence in the CIO. John L. Lewis and other CIO leaders relied on Communists for their tireless organizing skills. When, ultimately, they became a political liability, the CIO attempted to purge Communists from its ranks by expelling eleven left-wing unions in 1949-1950. These included frequent Committee subjects, the United Electrical, Radio and Machine Workers (UE), the International Fur and Leather Workers Union (IFLWU), and the International Longshoremen’s and Warehousemen’s Union (ILWU). Another Committee favorite, the Transport Workers Union (TWU) unquestionably owed its early formation and successful operation to the Communist Party. Nor was the Committee mistaken about the National Maritime Union’s Joe Curran, the TWU’s Mike Quill, and Harry Bridges. Moreover, Harvey Klehr and John Earl Haynes have recently shown that Lewis did not simply use Communist organizers in the CIO’s formative years, but that he and Sidney Hillman actually negotiated an agreement with Browder, William Z. Foster and Clarence Hathaway regarding the Party’s role in the labor organization. Nevertheless, the depth and breadth of the Communist presence and influence in the CIO is still being debated. 26

The fact that the Committee was so often correct leads back to the issue of procedure and the two questions with which this dissertation began. If the Committee was right on the broad outlines, does it matter that it was sometimes wrong on the details? And the related issue: now that we know that Communists

were making inroads against national security, does this knowledge mitigate the Committee’s failure to provide greater protections to witnesses? To the first question, the answer is that getting the details right mattered greatly when you were the one about whom the Committee was mistaken. This suggests another answer that applies equally to both questions. Getting the details right and fair procedure were important—even when national security was at stake—because the ultimate issue was the credibility of the Committee’s findings.

The Committee amassed a wealth of circumstantial evidence, second-hand accounts and rumors. Dozens of witnesses attested to Communist presence and influence in unions, the Federal Theatre, and government agencies, but very often had little more by way of proof than statements such as, “Well, everybody knows he’s a Communist.” Even if the Committee had desired to use better quality evidence, it would have been hard pressed to find it. Part of the problem was that organizations like the German-American Bund and the Communist Party did everything within their power to hide the truth from the Committee, including destroying evidence and lying under oath. In many instances the Committee had no choice but to rely on inherently unreliable, and, therefore, suspect evidence. Even if it proved to be correct, as it did in many instances, its inadmissibility in a courtroom was enough to cast doubt on every claim the Committee made.

The Committee damaged itself not only by relying on inadequate evidence but by the reckless disregard for truth frequently displayed by Dies and abetted

by Mathews, Starnes and Thomas. When making allegations of individual
subversion, they failed to make a sufficient effort to cull the wheat from the chaff.
When Dies compiled lists of hundreds, sometimes thousands, of individuals with
allegedly subversive affiliations, he exhibited little concern about their accuracy.
In the 1930s tens of thousands passed through the Communist Party. Even
more contributed money at various times to, in the Committee’s words,
organizations with “high-sounding names.” As Roosevelt noted in his 1940
meeting with Dies, “…everybody does that—contributes to all kinds of
organizations under the guise of charity.” If an individual gave money to the
American League for Peace and Democracy or to a Spanish refugee relief fund,
he would very likely end up on the organization’s mailing list and unwittingly
make his way into the Committee files. Nevertheless, when the Committee cast
its net and pulled back only a mailing list, it would often present it as evidence of
membership. Dies justified publication of these lists by stating that he had given
these individuals fair warning to leave the organization. But inclusion on a
mailing list is not membership in an organization, and he usually failed to
acknowledge the difference. Every innocent labeled subversive contributed to
the Committee’s credibility problems.27

The problems created by reliance on weak evidence and procedural
recklessness were exacerbated by Dies’ demagoguery and extreme
partisanship. More than any other single factor, the behavior of the chairman
undermined the Committee’s work. Congressional historian George Galloway

27 The President’s Conference with Martin Dies, November 29, 1940, FDR Papers. OF.
has called chairmen the "lord-proprietors" of committees. They determine the agenda, call meetings, appoint subcommittees, select staff, determine whether to hold hearings and when, and which witnesses will be heard. In short, they control almost every aspect of a committee's life. Under Dies' guidance his investigation began as a partisan tool and ended, as Committee chronicler August Raymond Ogden noted, "a one-man denunciatory agency." The manner in which he conducted the investigation undermined his credibility with the very people he presumably hoped to convince of the existence of a problem with subversion in government agencies.²⁸

The Committee's campaign against the New Deal in 1938 did not even pretend toward subtlety. Then, in the investigation's final years, Dies made outrageous claims on a daily basis, many of which, like the Pearl Harbor canard, were ludicrously easy to disprove. He would make grandiose statements, like his promise to release a Red Book that would prove the depth of Communist espionage in the U.S., then follow it with a report that merely reprinted elementary Communist propaganda tracts. Again, he also hurt himself with the release of lists of allegedly subversive government employees. The ALPD list controversy and the list of 1,124 allegedly subversive employees which the FBI found largely to be baseless, made it easier for a Nathaniel Weyl or Jack Fahy successfully to deny their Party affiliations.

Each of these criticisms influences the question of national security. How many rights are we willing to sacrifice in the name of national security? The answer depends on how seriously we want the claims to be taken. The Committee’s willingness to use dubious evidence might not have bothered the average American, but it raised enormous doubts among the group whom he needed to convince—those in the Washington power structure. We know now that there really was a problem with espionage in the federal government. But as long as the Committee accepted rumor and conjecture to prove it, and as long as Dies used the inquiry in a partisan manner, he and it would fail to get most people to listen. Roosevelt and Attorney General Robert Jackson both told the Committee that they were helpless to take action unless it collected evidence that would be admissible in a court of law. Of course, the fact that it could not find legally admissible evidence was part of the reason the Committee relied for justification on the informing function. But the poor quality of the evidence would always leave the Committee’s conclusions vulnerable to attack.

Ultimately, then, the issue was not merely one of protecting individual rights but also one of whether it was good policy. What good was uncovering evidence of Communist or right-wing infiltration of government if no one would believe it? It really was a case of the Committee that cried wolf. This is why the Dies Committee has come under more recent criticism not only from the left but from the right. When Klehr and Haynes remarked, “Previously, evidence of the Communist presence [in government agencies] could be trivialized or its reliability questioned,” it was the kinds of shenanigans employed by the Dies
Committee to which they were referring. Historian Richard Gid Powers concluded:

On balance, the Dies Committee hurt anticommunism more than it did communism. While the Committee did little damage to the Party, it helped reinforce again the image of the left as the innocent victim of government repression. The excesses of countersubversive anticommunism had again made civil liberties seem the real issue in the controversy over communism. Countersubversives had made all anticommunists appear to be clowns who thought that Hollywood child stars were part of the Kremlin’s plot to subvert the Republic.\textsuperscript{29}

Thomas Powers recently argued that to the extent that liberals attacked anticommunists as merely going after liberal causes under the guise of anticommunism, they aided, albeit unwittingly, the Soviet’s spy network. But, at least in the case of the Dies Committee, such an attempt to shift the blame to liberals is absurd. The more Dies targeted the New Deal or allowed his investigation to spill over from true front groups to liberal organizations, the more he convinced liberals that he was using the chimera of subversion to camouflage a campaign against his political enemies. Dies, Starnes and Thomas exacerbated this situation through their flagrant disregard of procedure. If Dies really wanted his committee to be valued as above partisanship, if he really took himself and his investigation seriously, then he should have reconsidered actions like his attempt to influence the 1938 mid-term elections. Looking back, it is difficult to conclude that Dies was sincere in his Americanism work, particularly in

the inquiry’s last years, when he seems to have completely surrendered himself to demagoguery. 30

This debate about HUAC’s work, of course, is not ended. Access to the Venona cablegrams and the Russian archives means that every aspect of American mid-century anticommunism is open to re-examination. The potential exists for a much more detailed accounting of the accuracy of the Committee’s claims. But the truth or falsity of the claims is really beside the point and will never rehabilitate the Dies Committee’s historical standing. Its failure to institute equitable procedure and the inadequacy of its evidentiary standards were what called its conclusions into question and undermined its work. In this regard the most useful area of future inquiry would be more comparative studies of congressional investigating committees.

For the Dies Committee the most illuminating comparison would be with the La Follette Civil Liberties Committee investigation of unfair labor practices. Operating at the same time but on opposite ends of the ideological spectrum, these committees were frequently compared to one another in the 30s. To liberals like Gardner Jackson, Dies’ inquiry compared unfavorably to La Follette’s in every aspect. But both committees faced the same challenges, including the same blank slate of procedural and evidentiary standards. Both relied on ideologues, whether J.B. Mathews or Heber Blankenhorn, to direct operations from the wings. Both investigated subjects, whether the Silver Shirts or the Pinkerton Agency, that worked to hide the truth. Both relied heavily on

witnesses, whether ex-Communists and American Legionnaires or coal miners and union men, whose testimony could be considered biased. A direct comparison would reveal whether Dies was as bad as he appeared, or whether opinions on such matters can be reduced to a question of partisan politics.

In 1952, Texas returned Martin Dies to the House of Representatives as a Representative-at-large. It was during this period that he gave testimony to a House subcommittee considering new procedural rules for investigating committees. He offered his opinion that the requirements for a good investigation were a good chairman, a good committee, and "a few general rules to see that the witness and the public get a fair break." Judging from the rules that the House ultimately implemented in 1955, it does not appear that anyone attached much weight to his opinion. Dies, in fact, found the House a much less hospitable place in 1953, largely because of his past behavior. Although it was the height of the Cold War, he was denied a seat on the committee that he had helped create. No Democratic seats were left on HUAC, but the ranking Democrat, Francis Walter, would not accommodate Dies by making room for him. "I'm not especially wedded to this Committee," Walter stated, "but if it were necessary for no other reason than to keep from giving Dies a seat, I would remain a member." Dies' demagoguery and lack of respect for procedure were
too much even for the Cold War. "I don’t think," Walter concluded, "[that Dies] has any constructive contribution to make to the Committee’s work."31

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