

The Dies Committee and the
American Civil Liberties Union

by

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A Congressional Committee, headed by the Honorable Martin Dies of Texas, was appointed to investigate un-American propoganda and activities in the United States. This is a commendable inquiry which every patriotic American should support, but the record of the Congressional Committee is a reflection upon the Congress which created it. Instead of an even-handed investigation of un-American activities, the committee became a political instrument opposed to every progressive cause in the country, characterizing them as communist or as communist sympathizers. It paid almost no attention to the far greater menace to American institutions of fascist and reactionary propoganda and activities. Its methods would have discredited even a Jersey City police court.

The honorable gentleman from Texas will perhaps agree with me that it is subversive and un-American to encourage character assassination, to engage in rumor-gathering, scandal-mongering, libel-promoting activities, to deny those accused an opportunity either to confront witnesses against them, or to testify, and to render judgment in a report which becomes a record of the Congress not only without fair hearing, but after refusing, in spite of specific request, to hear those charged. Yet that is precisely what the committee's record shows. Congressman Dies and his committee might well have ended the hearings by investigating themselves as responsible for un-American activities and un-American propoganda.

I cannot speak for the many agencies and individuals so flagrantly misrepresented by the Congressional Committee, whose chief spokesman

Congressman Dies has been, but I can speak for one organization, typical of many others, sweepingly, falsely and stupidly condemned as a promoter of communist activity against the United States.

Among the progressive agencies which the gentleman from Texas has attacked in his public speeches -- he was once a teacher of elocution -- and in the report of his committee, is the American Civil Liberties Union, of which I have been general counsel for many years. It is in that capacity and as an American lawyer interested in the maintenance of American democracy, as well as in elemental decency, that I resent and condemn the travesty upon an investigation conducted by this congressional committee.

I realize that we should not too harshly condemn men like the Honorable Congressman from Texas. Lack of understanding of what Americanism means is largely responsible for their acts. Men of this type seldom read books; they know little of philosophy or history; they fail to appreciate what democracy means. It cannot be expected that these men would understand the Bill of Rights, for to them the only permissible views are those which they approve.

There is another consideration: Men like Congressman Dies set out presumably to investigate un-American activities. They, like everybody else, find more interest in their work if to them it is important. What can be more important than saving the country? And you can't save the country unless you can find something to save it from. Thus these men start with a will to believe -- a will to believe those witnesses who, because of ignorance, prejudice, malice, personal aggrandizement, desire for publicity, or for any other reason, come before a committee and are permitted to express opinions which, since they are the opinions of the committee, are accepted by the committee as facts.

The Dies Committee has stirred the country with charges of widespread communistic activities and much more incidentally of the activities of Nazi and Fascist agents. Mr. Dies, as chairman of the committee, has created the impression that not only are there foreign influences at work against American democracy, but that vast numbers of Americans have become the dupes and tools of these un-American influences. Congressman Dies has not hesitated to characterize as un-American, supporters of the New Deal, the advocates of progressive causes, the defenders of American civil liberties, and great organizations of American workers. Using the prestige of a congressional committee, he conducted investigations at times and places calculated to influence the elections last Fall by the defeat of progressive candidates. His attack upon Governor Murphy of Michigan drew a rebuke ever from the President of the United States. I quote the President's words:

"Most fair-minded Americans hope that the committee will abandon the practice of merely providing a forum to those who for political purposes or otherwise seek headlines which they could not otherwise obtain. Mere opinion evidence has been barred in court since the American system of legislative and judicial procedure was started. * * * I was disturbed * * * because a Congressional committee, charged with the responsibility of investigating un-American activities, should have permitted itself to be used in a

flagrantly unfair and un-American attempt to influence an election."

As to the American Civil Liberties Union, the report says (I quote):

"From the evidence before us we are not in a position to definitely state whether or not the American Civil Liberties Union can properly be classed as a communist organization."

The innuendo is vicious. The purpose of evidence is to enable one to report what he can state, not what he cannot state. I am not in a position definitely to state, from the evidence before me, whether or not Congressman Dies can properly be classed as a "zany", a characterization given him by the Secretary of the Interior to describe his buffoonery. I am quite sure, however, that if he were charged before me with being a "zany", I would look up the word in a dictionary to find out what it means, and I would give the Congressman a chance to show me that he wasn't one. I am not in a position definitely to state whether or not the honorable gentleman has the same views on Americanism as "I-am-the-law" Hague of Jersey City. But if either was charged with being a counterpart of the other, I should be willing to give both of them a chance to deny it.

Repeated requests to the Dies Committee by the American Civil Liberties Union to be heard, went unanswered. After the committee finished its hearings, we were accorded the privilege, as were other accused organizations, of submitting an affidavit to which nobody paid any attention and to which no reference is made in the committee's report.

Congressman Dies says, referring to the American Civil Liberties Union:

"We strongly urge that this organization be investigated."

We urged the same thing. We begged the Congressman to investigate us. We wanted the committee to hear people like Felix Frankfurter, Dr. Mary E. Woolley, Dr. Richard C. Cabot, William Allen White, Bishop Edgar Blake of the Methodist Church, former Ambassador William C. Dood, Professor John Dewey, Dean Lloyd Garrison, Oswald Garrison Villard, Colonel William J. Donovan, and others who serve on our national committee or who are members of long standing, so that they might know what we have done and what we stand for. We wanted them to investigate our books and records since our beginnings. (We wanted them to know that our limited budget of about \$25,000 a year comes almost wholly from small subscriptions of a few dollars from people who are interested, not in any kind of propaganda, but in the right of our people to think and speak freely. We wanted to show them that we have 5,000 members and contributors, with 700 cooperating and volunteer attorneys; that we are managed by a board of directors and by a national committee, none of whom is a communist or fascist.)

We wanted to tell the committee that the American Civil Liberties Union stands on the general principle that all thought on matters of

public concern should be freely expressed without interference; that orderly social progress is promoted by unrestricted freedom of opinion, that suppression makes for violence and bloodshed. We wished to call their attention to the American principle that "it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good conduct." We wanted to tell them that that statement was made by Thomas Jefferson and we wanted to tell Congressman Dies who Thomas Jefferson was.

We wanted to tell the committee that the American Civil Liberties Union has waged and continues to wage a fight wherever tyranny raises its head in the United States, that recently we have been active on the battlefield against Mayor Hague in Jersey City, and that in a decision of the Federal Court in New Jersey, after full hearings and cross-examination of witnesses, Judge Clark said : (I quote)

"Plaintiff, American Civil Liberties Union, was established and is maintained for the purpose of taking such measures as it deems lawful and essential for the enforcement of the rights secured by the First Amendment and the Fourteenth Amendment of the Constitution of the United States. * * * The purposes of the plaintiffs above set forth are in the letter and spirit of our Constitution and laws and of the theory of our democratic institutions. * * * There is no competent proof that the plaintiffs or any of them had any other purpose. * * *"

The American Civil Liberties Union makes no apology for its work. We believe in free speech and assemblage even for unpopular views. We have upheld the rights of Negroes in the South, the Ku Klux Klan in Boston, birth-controllers in Albany, radicals in California, evolutionists in Tennessee. We have fought for Tom Mooney, for Sacco and Vanzetti, for the Scottsboro negroes, for Emerson Jennings, and for all other individuals who have been prosecuted not because of what they have done but because of race, color or views. We have come to the defense of Jehovah's Witnesses, the Mennonites and other unpopular religious groups. We have been active in the defense of political prisoners and of aliens who have come to our shores for refuge. We have recently been engaged in and insisting upon the admission to the United States of John Strachey, an alleged Communist, on the theory that freedom involves not only the right to speak but the correlative right to hear. We have recently defended Henry Ford against an order of the Labor Board which denied him the right to spread anti-union propaganda. We are always likely to be on the unpopular side because ordinarily we fight for minorities.

The American Civil Liberties Union insists on the right of free speech even for Communists and Fascists! As Felix Frankfurter said before a Senate Committee: (I quote)

"It has no attitude except to carry out its function of seeing that communists get their constitutional rights along with Henry Ford, the Nazis and the Klan."

We have defended groups on the left, on the right, and in the middle.

It takes intelligence -- not much, but a little -- to differentiate between those who fight for the right of free speech and those who use this right to express doctrine which we find objectionable. It is too much to expect that Congressman Dies and the members of his committee should appreciate the distinction.

Now, let's see where Congressman Dies' committeemen received all the misinformation which supported their will to believe. The witnesses can be divided into five classes:

First, professional patriots -- (those who from a variety of motives, continuously devote their efforts to saving the country and must perforce find something to save it from. For years they have condemned any progressive idea as communistic. Even the Child Labor Amendment has been said by them to have stemmed from Russia.)

Second, members of the A. F. of L., who, feeling disgruntled at some decisions of the National Labor Board, and who are disappointed at the growth of unionism through another organization, are trying to stamp that other organization as communistic. (The response of the C.I.O. on one occasion to an employer was: "We admit communists because you employ them.")

Third, police officers (who, because of their natural psychology, believe that any idea that might lead to disorder is communistic. Americans who feel oppressed do not need foreign influence to persuade them to fight to better their lot.) Police officers rarely believe in liberty; they believe in order. To them anyone who insists upon liberty is on the lunatic fringe, which means he's a communist.

The fourth class of witnesses consisted of disaffected and disappointed ex-communists. These men suddenly become angels of trust when, for personal reasons, they try to get back at their former associates. In this fourth class we probably should include the stool-pigeons whose jobs are dependent upon their finding plenty of dangerous material.

The fifth class of witnesses consisted of disgruntled individuals like those who appeared in connection with the Federal Arts Project and who objected that since their advice was not followed, the project was infested with communism.

But Congressman Dies says he could not do better because, says, he, "we had only \$25,000." He himself comments that the committee did not have lawyers, therefore indicating his opinion of the legal worthlessness of the proceedings. He himself comments that the committee lacked investigators, indicating his realization that the subject was not properly investigated.

It is plain to any reasonable citizen who examines the record and methods of the Dies committee, that its work should not be continued by an appropriation of \$150,000 for two years more of this sort of irresponsible muck-raking and name-calling. The prestige of Congress is lowered by such irresponsible antics, dangerous in themselves to

American democracy in a time when people's fears for the future of democracy itself are so aroused. That there should be a searching, sober investigation into un-American activities aimed at our democracy, is highly desirable. But the Dies Committee has disqualified itself from undertaking it.

In sharp contrast to the work of this committee was the effective investigation made in the Senate by the Committee on Civil Liberties, headed by Senator La Follette of Wisconsin. That committee has been engaged in a searching investigation into the denials of free speech, freedom of assemblage and the right to organize, particularly in relation to industrial workers. There the most painstaking investigations preceded public hearings. All parties interested were given an opportunity to be heard. The House of Representatives had no part in the investigation by the Senate Committee, and it may well be that the task of defending democracy by such additional legislation as Congress may find desirable, is an obligation of both Houses of Congress. The obvious course to pursue is for Congressional leaders to sponsor a joint resolution of both House and Senate which will continue the work already so well done by the Senate Committee on Civil Liberties, together with the legitimate portions -- although they are few -- of the investigations begun by the House Committee. We believe that inquiry into un-American activities as well as inquiry into our civil liberties should be made by men who believe in and who are not afraid of freedom.

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