

I have already showed that the vociferous protestations of Dies to the contrary notwithstanding his Committee did not incorporate in its record the mailing list of William Dudley Pelley and his nefarious Silver Shirts or anything approximating it. After hearing the members of the Dies committee with equal vigor yesterday say that they exhausted every possibility and left no stone unturned in attempting to locate and produce before the committee this fugitive pee-wee Hitler, I am convinced that it is my duty to lay before you the facts of the case as revealed in the ~~committee's~~ committee's own record on pages 4181 to 4274 of Volume 6. Here you will find the testimony of Robert B. Barker, the Dies committee investigator who testified on August 28 and 29. Mr. Barker said that he spent 90 days investigating Mr. Pelley and his organization (page 4183). If you look on page 4211, you will find that Mr. Barker said he spent the last 10 days of this period looking for Mr. Pelley. Thus Mr. Pelley knew that the Dies committee wanted him or at least seemed to.

Rhea Whitley, the committee counsel on page 4181 says he sent numerous letters and telegrams to Mr. Pelley and that "Pelley declined all opportunities to appear." Mr. Whitley does not mention subpoenaing Pelley.

Now let us look on pages 4111 to 4216. Here the following facts are established: Mr. Dies knew that Pelley was, in the words of Mr. Dies himself "undertaking to get a federal judge in North Carolina to issue a restraining order restraining this committee from conducting these hearings with regard to him and his organization." Thus Mr. Dies knew that Mr. Pelley was not anxious to testify.

Mr. Thomas had some definite feelings too and I quote from his remarks:

"It seems to me that we should get a little more drastic, a little more hard-boiled or cold-blooded about getting this man Pelley before our committee. Our investigator has probably done a very good job in trying to locate him but I think we ought to call upon the police officials in the state of North Carolina and in the city of Asheville and ask them to aid and assist us in locating this man Pelley and to issue a subpoena through them. * * *"

Mr. Thomas then says that Mr. Pelley had been in Washington, a fact pointed out by agent Barker four pages earlier in the transcript. At this point I want to emphasize the fact that neither here nor any place else in the transcript of this testimony is it stated or indicated by any member of the committee or any member of its staff that the ^{aid} head of the Department of Justice had been requested or enlisted. This testimony, ^{shows} ~~which~~ ~~was~~ that the aid of the police - local not federal - hadn't even been asked for five days after the committee planned to take testimony from Mr. Pelley. Because of the statements made in the Rules Committee hearings yesterday, I think it would be fitting and proper for the members of the Dies Committee to here and now make public its correspondence with the Department of Justice requesting help in locating Pelley. It is my opinion that the publication of this correspondence will show that a feeble effort was made to close the barn door after the horse was feeding in green pastures far away.

If Mr. Pelley hadn't had sufficient warning that he might be called to testify by the time Mr. Barker got finished showing himself in public places in Asheville, North Carolina, he would have shortly thereafter through Mr. Whitley's courtesy. In passing, I wonder if the members of this Congress know that when Mr. Barker left Washington in his quest for Pelley, he went, according to the newspapers which accompanied his departure with a burst of page one publicity, in an Army combat plane. _____ of which I have prepared a copy for the committee. You will find on pages 4214 and 4215 copies of a telegram dated August 19, 1939,

special delivery registered letter dated August 21, 1939, a telegram dated August 23, 1939, and a registered letter dated August 24, 1939 (all signed by Mr. Whitley),—the , the first three addressed to the fugitive himself and the fourth to one of Pelley's employees. The first document reads in part:

"This is to advise you that the Special Committee on un-American activities has today issued a subpoena calling for your presence as a witness at hearings * * * . Please advise you will accept service upon arrival or whether it will be necessary to personally serve subpoena * * * ."

The second document refutes this information in different words and part of the last sentence, quoted in the record, I think is interesting. It says, "It is requested that you telegraph^{me}/immediately whether you will be present.

The third of these documents refers to the fact that the previous two were sent, there has been no response to them, and concludes thus: "It is again requested that you let me know immediately whether you intend to appear without first being served with a subpoena.

The document addressed to one of Mr. Pelley's henchmen is a complaint about Mr. Pelley's lack of courtesy and a humble request that the addressee communicate to Mr. Pelley the contents of the three previous communications addressed to Mr. Pelley.

You will remember that Mr. Whitley's telegram was of August 19 begin s by stating that a subpoena had been issued. I want now to quote from the statements of the Gentleman from New Jersey, Mr. J. Parnell Thomas, which appear on page 4215 of the record:

"I think we have been very courteous to this prospective witness. He has been asked to appear voluntarily and the time has now come to carry out our idea about a subpoena and to issue that subpoena just as soon as we possibly can."

On the following page Mr. Dies implies that it really doesn't make any difference whether or not such a person as Mr. Pelley appears before the committee because he says such persons are not noted for their truthfulness. In this connection the observations of Chairman Dies on page 4185 are, I think, appropriate. He said, referring to a book that Mr. Pelley sent Mr. Dies and you and me and every other member of this Congress, "I think his book reveals, perhaps, everything about him that he would want to testify about if he were here in person."

Yesterday the able gentleman from Michigan, Mr. Hook, informed this House that he had evidence of an agreement between Pelley of the Silver Shirts and Martin Dies. Without going into that any further I submit, gentlemen, that what I have just said to you from the words and documents of the Dies committee itself proves beyond a shadow of a doubt--and I don't think the members of the Dies committee themselves will dispute this -- that Mr. Pelley was given every opportunity which possible not to appear before the Dies committee.

So the Dies committee failed to produce Mr. Pelley. This might not be a great loss if they had done something to remedy this deficiency. But alas, gentlemen, it did not. They could have produced any of a number of persons right here in Washington who could have given competent testimony of Mr. Pelley's activities. I give you their names as obtained from the record of the Dies committee. These names were obtained from pages 4246 and 4247--Mr. Babp, Room 209 229, Bond Building, Washington, D.C., a Mr. Brown, David Mayne, Fraser S. Gardner, a Mr. Thompson (page 4251) and subsequently one "Andy" not further identified but who, I understand, is a lawyer named ~~Anderson~~ *Anderson* who, I have been informed, has represented Mr. Pelley and thus his connection is a matter of

public record.

On page 4235 Frederick O. Collett and Harrison Fargo McConnell (the author of a ~~views~~ vicious pamphlet published by Mr. Pelley red-baiting the Republican National Committee, titled "Is the Elephant Red?") both lawyers, are identified with Mr. Pelley. Mr. Dies must have known because this too is a matter of public record in a law suit referred to on pages 4231-4235.

Mr. Dies did call as a witness a man with whom, I understand, he had some acquaintance, Mr. Fraser Gardner. Mr. Gardner's testimony appears on volume 6, pages 4045 ff. But Mr. Dies got no information from Mr. Gardner because Mr. Gardner professed to do nothing but research and unfortunately Mr. Dies couldn't show that he did do anything else. Mr. Gardner, as a result of his testimony before the Dies committee, is under indictment for an alleged perjury he committed in his testimony.

Only the committee members can tell you why none of these gentlemen was ever called before it, and only they can tell you why Mr. Mayne was never called as a witness although Mr. Stripling, the committee secretary (page 4063) stated that Mayne had offered to cooperate with the committee and Mr. ^{Whitley} ~~Whitley~~ on page 4073 said, "He even offered to work free of charge to give the committee the benefit of his experience and knowledge."

The only possible explanation for this strange omission will be found in the record on pages 4256-4257. Mr. Whitley asked Mr. Barker if during his investigation he had discovered "any information concerning Mr. Pelley's associates or individuals or groups with which he is in cooperation or the extent and nature of that cooperation."

Mr. Barker replied that Pelley's organization is a "one-man organization- outfit. Pelley is the directing head of practically everything. He works night and day/---etc." etc. This opinion of Mr. Barker is interesting but it is nothing but opinion and I am sure facts which are already a matter of public record about the persons with whom Mr. Pelley associates and those who work for him differ.

The committee even after knowing this long list of Pelley's Washington people--a list long enough to be a matter of concern to the committee and to the Congress--could have in part made up for even this great error by simply calling any of the other Pelley employees, many of whom from the record are known. It didn't and I wish I could tell you why. The most careful reading of the testimony of Mr. Barker will not show even a suggestion of a possibility that he might have set foot inside the Pelley headquarters in Asheville, North Carolina, where Mr. Barker by his testimony spent a considerable amount of time. How Mr. Barker could have failed to even make an effort to interview some of Pelley's employees, let alone get Pelley's files, I can't begin to imagine but I think that this failure constitutes a grave indictment of the ability and diligence of Mr. Barker and it is further my opinion that members of the committee should have been concerned about this.

Why, Mr. Barker's ignorance of the Pelley establishment is incredible! Look on page 4222 of the record and find for yourself that he didn't know how many employees there are but estimates that there are 30, an estimate which could have come right from the testimony of Fraser Gardner, referred to above. After estimating the number of employees in the printing establishment as 30, Mr. Barker says the weekly payroll is \$365.43, which doesn't

seem to me to be the at all accurate.

Having failed to produce a single competent witness to testify about Mr. Pelley, the committee took testimony about Mr. Pelley from its investigator. The information obtained from their investigator could have been obtained at considerably less expense. Any citizen could consult the sources he went to--Who's Who (pages 4184-4185). The only other information about Mr. Pelley in the record comes from one of his pamphlets and from records of the courts.

Further information about Mr. Pelley could have been obtained from the various lists of names obtained as I have said above, from the Post Office Department, pursuant to an arrangement made in Washington by letter but the committee didn't see fit--and this is a most incongruous position for the committee to have taken--to incorporate lists in its record. The committee did refer to a list in its possession of persons who had written to Pelley. and but neither the committee members nor its investigator knew anything about these persons except what was already a matter of public record and in some cases they did not even include such information in the record.

On page 4263 2 Hamburg, Germany, addresses are given, neither one of which is accurately identified. Mr. Whitley did say that he believed one was one of the Nazi propaganda offices. He makes no effort to identify the other.

On page 4262 Mr. Dies read among the names of those who addressed mail to Mr. Pelley, the Republic Steel Corporation and asked no questions in spite of the fact that he knew that the activities of the Silver Shirts during the

1937 Little Steel Strike against the Republic Steel Corporation led to a suit filed by Pelley against the Senate Civil Liberties Committee and he also failed to include in the record the fact that Mr. Roy Zachary, Commander of the Silver Shirt Legion--Commander in a military sense--speaking in Warren Ohio where the Republic Steel Corporation has a large operation said that President Roosevelt would be ~~soon~~ assassinated. This was a matter of public record in the proceedings of the Senate Civil Liberties Committee on page 12780 of part 31.

Throughout the testimony of Mr. Barker will be found, especially on pages 4252 ff. casual references to investigations of Mr. Pelley by other government departments. What help, if any, these investigations were to the Dies committee I cannot say but I do know that if the testimony of Mr. Barker and the observations of members of the committee on August 28 and 29 from which I have quoted all this time is to be believed the Post Office Department made available to the committee the result of a check covering a period of 90 days from February to April 1939 covering Mr. Pelley's correspondence and that of all of his various organizations showing that Mr. Pelley received and dispatched 30,000 pieces of mail (pages 4218-4219). I also know that Mr. Barker began his investigation, from his testimony (page 4265) after the middle of May so that this information was prepared before the Dies committee began its investigation of Mr. Pelley.

Scattered throughout this testimony are references to Mr. Pelley's financing and if the courts by convicting Mr. Pelley had not already established the fact that he is not to be trusted near money which isn't his, the Dies committee did a fair job of that.

Because of the loose and disjointed way in which financial matters are testified to, it is impossible for me to say exactly how much was the result of original investigation and how much came from other sources such as several cases prosecutions of Mr. Pelley for misappropriation of funds. This much, however, I can say, when Barker was more than half way through with his testimony, he could not definitely state the answers to questions about Mr. Pelley's income tax rates even though the income tax rates were always available to the Dies committee as a result of an executive order by the President granting this right. I can further say that there are references to a large income by Mr. Pelley, the sources of which are not indicated, that there are bank account records not in the possession of the committee when Mr. Barker took the stand and that there are some discrepancies in this testimony.

As Mr. Barker pointed out, Pelley is a prolific man. I have copies of more than a dozen pamphlets he has issued in addition to numerous copies of his filthy magazine, Liberation. I regard the type of literature circulated by Mr. Pelley as most dishonest, malicious and un-American. His vicious attacks in both his magazine and pamphlets are reckless and certainly warrant a complete exposure. Because this is my opinion, I was anxious to find what Mr. Dies showed about Mr. Pelley's printing activities. Frankly, gentlemen, I was disappointed because Mr. Dies showed next to nothing about Mr. Pelley's typographical un-Americanism. There are references to one or two of Mr. Pelley's pamphlets in which Mr. Pelley speaks of himself; but his abandon and indiscriminate assaults upon the integrity, nationality and religion of many of the most prominent men in our Government --and I do not exclude the President of the United States and members of the Supreme Court and the Cabinet--contained in these publications are not revealed in what I have been euphemistically referring to as an investigation by the Dies committee.

On page 4208 of Mr. Barker's testimony, he does mention briefly that Mr. Pelley prints what he calls "bulletins". On page 4209, Mr. Barker, when asked if he knew the number of pamphlets that Pelley was sending out, replied that he didn't, but that he had a list of ^{some of} them.

Gentlemen, not even a list of Mr. pelley's pamphlets appears in the Dies committee's record.

Mr. Pelley is not only the head of this native militaristic Fascist organization which the members of the Dies committee in their report described, in the very brief space they devoted to Mr. Pelley (about two pages), as "certainly the best publicized". He is also a prepagandist, and the Dies committee thought he was a "publicity agent" for the German government

and that he came under the Registration Act. As you will see on pages 4258-4259, they decided to tell the Department of Justice about it.

I certainly don't desire to take issue with this feeling of the members of the Dies committee. I don't know of a single good thing I could say about William Dudley Pelley; but before such a conclusion is reached, there must be some evidence upon which to base such a serious accusation, even against so reprehensible a person as Pelley. At the very beginning of the hearing on Monday, August 28, on page 4184, Mr. Whitley is authorized by the Chairman to "insert in the record all of the excerpts" from Nazi propaganda sources in Pelley's publications showing that Pelley had taken material "directly from Nazi propaganda sources". To see what happened pursuant to this authorization, we must refer to pages 4268-4269. There Mr. Whitley says that he has collected two volumes of such data but that they need not be reproduced in the record and can be held in the committee's files "as exhibits". My experience, gentlemen, with the Dies committee's exhibits in their files is that they stay in their files and that not even a member of this august body can get them. What proof there is of this assertion that Pelley uses Nazi material beside what I will shortly refer to, I can't say. Mr. Whitley, beginning on page 4268, says that in Mr. Pelley's Liberation of July 8, 1935, there is an article entitled, "Fair Play to All Jews Commends Frank Statement of Facts!" and Mr. Whitley reads, on page 4269, a portion of this article, the burden of which is that "The sound merchant of the old school held the opinion that his duty was satisfactorily discharged by the satisfying the actual purchase requirements of his customers", that he did not advertise or solicit business or attempt "to talk a customer into buying the latter some article which ~~xxxxxxx~~ would not have bought of his own accord." After reading this seditious, revolutionary and inflammatory quotation

from Pelley's magazine, Mr. Whitley makes the astounding and world-shaking revelation, "Now, that article is a duplication of an article which appeared in the Hammer Press, Leipzig, Germany, in 1927, at pages 10 to 13, under the title 'The Riddle of the Jews' Success,'" So far as the printed record is concerned, that is the proof of the Dies committee that Mr. Pelley, whom I again repeat I have no use for, is a Nazi propaganda agent.

There is no doubt in my mind that Mr. Pelley utilized the propaganda material so ~~widely~~ widely distributed by the Nazi government. In fact, I have a copy of their AKI service, English edition No. 48, dated October 10, 1938, which I know Mr. Pelley's organization had. I also know that about 10 percent of this issue is devoted to the activity of the Dies committee and on pages 12, 13, 14 and 15, there appear eight different references to this committee's activity and the testimony it adduced. The testimony, it seems, was what the Nazis liked.

I could go on and on like this, gentlemen, showing discrepancies in the record, failure of the committee to pursue obvious angles and good leads, statements of opinion not substantiated by fact; but I think that by this time it must be clear, even to the best friend the Dies committee has, that its investigation of William Dudley Pelley and the Silver-shirts was a whitewash.