

3 Lawyers Blast Dies as Protector Of Nazi Agencies

~~DW Feb 1/39~~

Statement Given Every Member of House by
Marcantonio Declares Probe Sought Only
to Smear FDR and All Progressives

(Daily Worker Washington Bureau)

* WASHINGTON, Jan. 31.—The true facts about the Dies Committee were presented today to every member of Congress in a memorandum endorsed by 150 prominent lawyers.

After analyzing thoroughly the strange and unprecedented rules of evidence followed by the committee and the

disreputable character of its witnesses, the attorneys urged that the witch-hunt be discontinued.

They declared that in their opinion a real investigation into un-American activities should continue but that "it should be entrusted to an agency equipped for the purpose. The Department of Justice has the facilities, the experience and the personnel for this undertaking."

Rep. Vito Marcantonio, A.L.P., of New York, made the memorandum signed by the Lawyers public and announced that he had obtained permission from Speaker William B. Bankhead to distribute it to every member of the House. He added that a copy was being presented to the Rules Committee which is now considering the Dies Committee resolution.

Among the attorneys from all parts of the country who joined in blasting the un-American Dies Committee were Frank P. Walsh, chairman of the New York State Power Commission, Prof. Walter Gellhorn, Arthur Garfield Hays, New York City Councilman Charles Belous, Assemblyman Oscar Garcia Rivera, Prof. Fred Rodell, Prof. Harry Shulman, Prof. Louis L. Jaffe, Edward Lamb and many others.

SIX CHARGES

Rep. Marcantonio declared that no Congressman who read the memorandum prepared by the lawyers "could conscientiously vote to continue the Dies Committee."

The conclusions reached by the lawyers after thoroughly studying the published hearings of the Dies Committee were:

1. That the Dies Committee did not, and never seriously intended to, investigate un-American activities, as the term "un-American" is used by the

(Continued on Page 2)

10/11/39
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W. L. ... - January 1, 1957

1500 Prominent Lawyers Condemn Dies as Protector of Nazi Agents

(Continued from Page 1)

understood by the average American.

2. That after a few perfunctory gestures toward the examination into fascist and Nazi activities, the committee turned its attention to its real, though unannounced objectives, and that such information regarding Nazi, fascist, subversive propaganda of "native origin" as was disclosed was not followed up, but that, on the contrary, every effort was made to stifle and suppress such disclosures.

3. That the Dies Committee did not prove or attempt to prove that Communists are un-American, but, instead, used the term "Communist" as an epithet in an attempt to discredit all Americans holding views differing from those of its chairman and the majority of its members.

4. That the Dies Committee conducted its hearings with the deliberate purpose of smearing prominent members of the Roosevelt administration, the New Deal policies, the organized labor movement, and every prominent organization whose view did not accord with its limited conception of Americanism.

5. That the Dies Committee, though nominally non-partisan, intervened in the recent elections to influence the outcome by means of the testimony of personal opponents and political enemies of the candidates and by other irresponsible persons in order to defeat supporters of the Roosevelt administration and the New Deal.

6. That the Dies Committee, while giving lip service to impartiality and fair play, and proclaim-

ing its devotion to Americanism and American institutions, used its hearings, the forum provided by Congress 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—a proceeding wholly unworthy of a committee of the legislative body of a great and free republic.

RED HERRING EXAMINED

Examining the use of the red herring by the Dies Committee, the lawyers declared:

"The words most frequently appearing in the Record are Communist and Communism, nevertheless, we are constrained to say that it fails to disclose any facts of probative value to aid in determining whether the Communist Party falls within the scope of the Committee's investigation, whether it is in fact un-American or subversive.

"The Record does disclose that every one of the Committee's witnesses is opposed to the Communist Party. But this is opinion, not fact. In the absence of facts, this can hardly be accepted as proof of the un-Americanism of the Communist Party by any responsible person.

"Their testimony is suspect, rendered almost meaningless, because of the indiscriminate use of

the term Communist to describe persons and organizations which the witnesses for one reason or another disliked or opposed. For example, to Mr. Frey, an A. F. of L. man, the C. I. O. is Communist. To Mr. Knowles, a Republican, the Democrats, Olson and Downey, are Communists. To Mr. Steele, a vigilante, the A. C. L. U. is Communist. To Mr. Baringer, an anti-Murphy man, Governor Murphy is a Communist, etc.

"Such factual testimony as refers specifically to the Communists, divested of rhetoric opinion or characterization, coming mainly from Frey, Steele and Matthews, seems to indicate no more than that the Communists are supporters of democratic social and labor legislation, of vigorous labor organizations and politically of candidates whom they deem progressive.

"The evidence indicates also that the Communists are opposed to Nazism, fascism and war and believe that all Americans regardless of political, social and religious differences, should unite against them. The phrase 'united front,' in spite of the many suggestions of something subversive, appears to mean nothing more than common action of all Americans opposed to Nazism and fascism to resist their advance.

"The Record, read for the facts alone, discloses nothing to show that the Communists have failed to follow the principles continued in the preamble of their constitution."