

TO WHOM IT MAY CONCERN:

Because my reputation for honesty and integrity has been impugned, by reason of the nation-wide newspaper and radio publicity following my unexpected appearance and testimony before the Special Committee on un-American Activities, on Wednesday, August 23rd, 1939, all of which has detrimentally affected my ability to secure employment, I make this statement voluntarily for the purpose of setting forth all pertinent facts leading up to the unwarranted insinuations by such Committee.

During the afternoon session of that same day of the public hearing of such Committee, the Chairman, the Honorable Martin Dies, read the following resolution as adopted by the Committee and a newspaper release, copies of which were furnished to me a half hour later by the secretary of the Committee's office, reading as follows:

#### RESOLUTION

"After careful discussion and consideration in Executive Session on August 23, 1939, the following resolution was unanimously adopted by the Special Congressional Committee on Un-American Activities:

"It is hereby resolved that a statement of facts concerning the testimony given by Mr. Frasier Gardner under oath before this Committee be referred to the United States Attorney for the District of Columbia for appropriate prosecutive action under the perjury statutes or any other statute appertaining to the case."

#### RELEASE

"In recommending that this case be referred to the proper authorities for further action, the Committee wishes to make clear that in the case of every witness where the facts warrant, a similar procedure will be followed. Witnesses have been warned that deliberate misstatements of facts before the Committee will not be tolerated where such misstatements are material and clearly made. The Committee feels that the circumstances in the present case are of a specially grave nature. Here we appear to have an individual who sought employment with the Committee as an investigator and who upon two occasions under oath denied any connection with any organization or individual under investigation. The witness was accorded full opportunity in Executive Sessions to disclose all of the facts. It appears that the witness concealed and denied material facts for the purpose of securing employment with the Committee as Investigator, in which position he would have been able to act as an undercover agent for an organization which is opposed to, and which is attempting to, sabotage this investigation. The Committee has had strong suspicions that similar attempts have been made in the past and it has received information concerning other individuals who have held themselves out as representatives and Investigators for this Committee when as a matter of fact they had no connection with this Committee.

"In view of the serious aspects of this case the Committee feels that it is its duty to refer all of the facts and circumstances to the appropriate authority for such action as may be deemed warranted."

The above quoted statements were printed and published in full by many newspapers, accompanied by headlines, in effect stating that I had been accused of perjury by the Committee, and of attempting to sabotage the activities of such Committee, allegedly by becoming an investigator for the Committee and furnishing information thereby gained to some organization or individual under investigation by the Committee.

Such implications of dishonesty and double dealing made against me by the Committee were based upon unrelated facts, a mixture of dates, unwarranted assumptions, and are entirely unjustifiable.

During my several years experience as political and legislative research worker and reporter, I have regarded the assignments by my clients as separate and apart from each other, without exposing the confidences learned by my association with one client to another client, and have prided myself upon adhering strictly to the same high plane of ethics as are followed by honest doctors and lawyers.

I must depend upon the trust and confidence which men in public life repose in me, on the basis of my reputation for honesty and fair dealing. I have never used the privileged information gained from one client as a means of gaining favor or profit from another client.

The unwarranted insinuations by the Committee to the contrary have placed such a cloud of suspicion over me, as to my integrity, as to make it impracticable to secure any of the type of employment for which I have had previous experience, and therefore I am very anxious to have the present situation so clarified as to reinstate my previous reputation for honesty and integrity in the minds of men in public life.

On November 10, 1938, while having luncheon with U. S. Senator Millard Tydings in the Senate Office Building dining room, I requested his support of my interest in securing a position as Investigator with the Special Committee to Investigate Un-American Activities and Senator Tydings freely stated that he would be glad to endorse me for same. Senator Tydings left for Europe several days later and I did not see him again until the Congress convened in January 1939, within ten days after which I reminded the Senator of my employment request, whereupon he immediately, in my presence, telephoned Representative Martin Dies personally and recommended my needful early employment as an investigator by the Committee. (I say "needful" advisedly, due to my financial status at the time being so precarious as to make it necessary for me to appeal to my friends at the Washington Cathedral, who knew of my unemployment, for financial assistance. Accordingly, I was loaned three hundred dollars, (\$300.00) on January 13th, 1939, by Canon William M. Bradner of the Washington Cathedral who has had full and complete knowledge of my economic situation and my endeavors to secure permanent employment for some time.)

At the time of this telephonic conversation in January of this year between Senator Tydings and Representative Dies, Senator Tydings advised me immediately to make formal written application for the investigative position with the Committee, because, as he stated: "Dies will take care of you and he suggests you immediately follow the regular procedure of filing an application." This I did that same day in January.

On February 9th, 1939, I received a letter, addressed to me at my home, 3224 Wisconsin Avenue, N.W., over the signature of Robert E. Stripling, Secretary to the Special Committee on Un-American Activities, which reads as follows:

"Dear Mr. Gardner:

"On Friday, February 10th, the Special Committee on Un-American Activities will consider the appointment of Investigators. If you will report to Room 1121, New House Office Building at 10 o'clock A.M., the Committee will be glad to grant you an interview.

(signed)

Very sincerely yours,  
Robert E. Stripling,  
Secretary"

Responding to the above, on February 10th, 1939, I appeared before the Committee, in company with approximately forty other applicants and was very briefly "examined" by the members of the Committee who excused me with no word of advice as to whether or not I had been accepted for employment as an Investigator, and no word of advice as to when I might hear from the Committee, if ever.

Because of this uncertainty and the fact that my need for employment was still as great, I continued my quest and called upon several of the Government Departments where I had previously made application, as well as several commercial organizations, and contacted a great number of my personal friends who were and are well acquainted with my economic status.

During the latter part of February, 1939, I called upon David Babp, attorney in the Bond Building and formerly Special Assistant to the Attorney General, and again requested his interest in directing me to proper employment. He advised me to return in a day or two which I did at which time he introduced me to a Mr. Earnest Cummings of the Skyland Press, (of Ashville, N.C.). Mr. Cummings, before Mr. Babp as a witness, tentatively employed me on a temporary week to week basis as a political research worker and reporter on legislative matters. I was given to understand that the work would terminate at any time without notice and that I would be paid for each week's work, by the week, during the period of employment. A written statement by Attorney Babp concerning this arrangement reads as follows:

September 5th, 1939.

"To whom it may concern:

"This is to state that sometime in February (the latter half) 1939 Earnest L. Cummings of Ashville N.C. was in my office and I introduced him to Fraser Gardner and I overheard an agreement between him and Gardner to the effect that Gardner was to be employed temporarily as a research worker and to follow up

legislation on a weekly basis at \$35 per week for the first two weeks and if satisfactory at \$50 per week.

"At this time Gardner was badly in need of employment and funds to my personal knowledge.

(signed) David Babp  
Attorney at Law"

Because of the temporary status of this employment with the Skyland Press, I continued my search for more permanent employment, and of course included the Special Committee to Investigate Un-American Activities in view of my application there.

On several occasions during March and April 1939 I was under the impression that my employment with the Skyland Press would be terminated and as an element of self preservation I asked several friends to write personal letters to the several places I had applications on file in order that I might be fortunate in stepping from the temporary status to more permanent employment without loss of time in securing much needed income. Among the letters sent was one to Representative Martin Dies by Canon William M. Bradner on April 20th, 1939, which reads as follows:

"My dear Mr. Dies:

"I am writing to urge the appointment of Mr. Fraser Schade Gardner as an investigator on your Committee.

"Mr. Gardner is well known to many of us here at the Cathedral and has proven himself to be a thorough-going American citizen and a fine type of man. He has a background of experience and training which will be of direct value to your Committee.

"It is my understanding that he has been examined by the whole Committee and that his record of experience is in their hands. While Mr. Gardner is working at the present time, he needs this appointment very badly for the support of himself and his family.

"Partly because of this need, which I can personally vouch for and also because of his real ability and training along the lines of work which your Committee is carrying on, I would respectfully urge his immediate appointment if it is possible, and I will personally appreciate anything you can do in his behalf.

(signed) Very truly yours,  
William M. Bradner  
Canon Precentor"

This communication was answered by the Counsel of the Committee, Rhea Whitley on May 10th, 1939, which reads as follows:

"Reverend William M. Bradner  
Canon Precentor,  
Washington Cathedral Offices  
Mount Saint Alban,  
Washington, D. C.

"My dear Sir:

"I want to thank you for your letter dated April 20, 1939 addressed to Congressman Dies, in which you recommend Mr. Fraser Schade Gardner for a position with this Committee.

"No further appointments are being made by the Committee at the present time. However, Mr. Gardner's application has been placed on file and will receive appropriate attention at such time as the Committee might be able to utilize the services of one possessing his qualifications.

(signed) Very truly yours,  
Rhea Whitley  
Attorney for the Committee"

(During the latter part of May 1939, the first public hearings by the Committee, under its appropriation received on February 8, 1939, started and continued for a few days.)

Although, after having been shown the contents of the above quoted letter from Counsel Rhea Whitley of the Committee to Canon William M. Bradner, I no longer entertained any hope of securing any employment under such Committee, nevertheless had same been then offered to me I should have felt free to accept and would have accepted such Committee employment in which event I would immediately have terminated my temporary work with the Skyland Press, in order to do full time investigation work for the Committee, in whatever parts of the country that it may have wanted to assign me.

At this time I was more than ever inclined to further my search for permanent employment as I realized the termination of my employment with Skyland Press would leave me in the same financial predicament I found myself in during the past winter. The thought of a lack of food and other important necessities of life for my dependent wife and baby daughter increased my urge and desire to better my status and I exerted every effort to secure a position where I would be relieved of the mental anguish of insecurity.

Likewise at this time, I had been advised by Miss Henderson of the Skyland Press, via long distance telephone, of the insecurity of my position due to the fact, as she stated, of the lack of money by the Skyland Press. These weekly intimations of a discontinuance of my employment continued until they became a fact on August 19th, 1939 when I received my last weekly pay via Postal Telegraph from the Skyland Press thereby terminating my employment as of August 19th, 1939.

My present financial situation is a desperate one, I have no money and no employment and I am again faced with the terrible ordeal my family and self went through just a few months ago.

I did not again talk with Representative Dies regarding my application as an investigator for the Committee until he personally brought up the subject on the morning of August 23rd, 1939, under the following conditions:

At 10 minutes to 10 o'clock on the morning of August 23rd, 1939, I was seated at a Press table in the Caucus room of the Old House Office Building as a spectator awaiting the start of the day's hearings by the Committee when I was approached by the Chairman of the Committee, Martin Dies, who placed his arm around my shoulder in a very friendly and brotherly manner, and affected a like manner while asking me the following: "Gardner, would you still like to an Investigator for the Committee?" Rather surprised, but pleased, I answered: "Surely." He then asked me if I knew anything about "getting around" on the West Coast and if I could accomplish anything there for the Committee. I advised him that I thought I could and would try to do my best. He then assured me, in several short statements, with his arm still around my shoulders, that he would have me put on the pay-roll as soon as he had "fixed it up" with the Committee, that the Committee members were due in the room in a few minutes and that as soon as they had come in "he would take care of the matter", ending up with an affectionate pat on my shoulder and the assuring statement; "I'll take care of it for you".

The Committee members filed in during the next few minutes and I observed Mr. Dies talking with them collectively for about a minute, when they all left the room together. About three minutes later, Robert Stripling, an employee of the Committee, motioned for me to follow him. We left the Caucus room and went to a small room at the end of the hall where I was quickly sworn in for what I had been led to believe was relative to my application for a position as Investigator, and quickly questioned in some confusion by members of the Committee and its Counsel, Rhea Whitley. One of the questions asked me, and to the best of my knowledge and belief was worded as follows: "Gardner, do you have any connection with any individual or organization now under investigation by this Committee, that in so having, it would jeopardize your status if employed as an Investigator for this Committee?" "No". I answered. Which was, and still is a true statement. With this answer of mine, the Committee left the room and left me alone with the official reporter who was completing his notes. I asked him what it was all about, as I had expected to be placed on the Committee pay-roll then and there as an Investigator. He stated that he had no idea, that he had been directed to take notes and that was all.

I then left the room and walked toward the Caucus room. Half way there, I was approached by Mr. Rhea Whitley and he handed me a "forthwith" subpoena for appearance before the Committee, I asked what inspired the subpoena serving and he answered by ordering me to enter the Hearing for immediate questioning. I then entered the Caucus room and went directly to Mr. Dies who I asked "what is this all about". He answered by directing me to "go sit in the witness chair and find out".

I seated myself in the witness chair, after being sworn in by Chairman Martin Dies, and was cross examined by the several members of the Committee and the Counsel, Rhea Whitley.

By reason of the paradoxical attitude of Mr. Dies in offering employment to me at one moment, and then about twenty minutes later having me subpoenaed for immediate cross examination by the Committee and Counsel, I was amazed, confused and completely dissolutioned and therefore when the Committee started questioning me I was belligerent and super-technical bearing in mind also that I had observed other witnesses who had been unfairly imposed upon in my opinion be being permitted to make only partial answers to questions and insinuating statements by Committee members.

My answers, however, were strictly truthful to the best of my knowledge and belief, but the Committee did not, nor has not since, given me opportunity to explain the various interrelated facts as above recited as to the alleged relationship between my employment by the Skyland Press and my application for employment as an Investigator with such Committee.

Presumably, the official reporters' record of my testimony before the Committee, is correct, although, in spite of several requests for same, I have not as yet been furnished with a copy of such questions and answers, I am confident, however, that a careful examination of my testimony before such Committee will prove to be entirely consistent with the facts recited in this statement.

Since the issuance of the statements by the Committee first above quoted, to the effect that my testimony before the Committee "be referred to the U.S. District Attorney for the District of Columbia for appropriate prosecutive action under the perjury statutes or any other statutes appertaining to the case", I have not been contacted by such U.S. Attorney.

I am ready, willing and anxious to have the U.S. Attorney make a complete investigation of this matter as soon as possible, for I am confident that a full and fair investigation by him will establish that I have not been guilty of perjury, or of any unethical action whatsoever, relative to my application as an Investigator for the Committee.

Keeping this matter in abeyance, without any action by the U.S. Attorney.....which I feel sure would result in no cause of action being found by him.... is unfair to me, and to my dependent wife and child, and has so far prevented, and probably in the future will prevent me from securing other suitable employment for which I have the needed experience and qualifications.

For these reasons, I am submitting a duplicate original of this statement to the Office of the U. S. Attorney for the District of Columbia and to each member of the Special Committee to Investigate Un-American Activities, and to others who may be interested, for the purpose of presenting all pertinent facts, with the hope that it will prove that I have not been guilty of any perjury, or any other dishonest or unethical conduct, as publicly insinuated by the Special Committee on Un-American Activities, and with the further hope that, somehow in the minds of those who may have been impressed by such unjustified insinuations, my reputation for honesty and integrity and good faith will be reinstated.

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Subscribed and sworn to before me  
this \_\_\_\_ day of September, 1939.

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