

Criminal #65858 returned May 14, 1940

DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

District of Columbia, ss:

April Term, A. D. 1940.

The Grand Jurors of the United States of America, in and for the District of Columbia aforesaid, upon their oath, do present:

That on, to wit, the twenty-sixth day of May, 1938, the House of Representatives of the United States, at the 75th Congress, passed and adopted House Resolution 282 which Resolution was, in substance and effect, as follows:

"In the House of Representatives, U.C.,
May 26, 1938.

"Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee to be composed of seven members for the purpose of conducting an investigation of (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.

"That said special committee or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpoena or otherwise, and to take such testimony, as it deems necessary. Subpenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States. (U.S.C., title 2, sec. 192).

"Sec. 2. The committee shall file its report to the House on January 2, 1939, or may file same earlier in the event the House is not in session, with the Speaker of the House for printing as a public document."

that, subsequent to the passage and adoption of House Resolution 282 and pursuant to the provisions thereof, a special committee, authorized by and referred to in said Resolution, was duly designated and appointed by the Speaker of the House of Representatives of the United States, and the Honorable Martin Dies, one of the Representatives from the State of Texas, was named and designated by said Speaker as Chairman of said special committee and thereafter served in that capacity until the date of the return of this indictment; that said special committee, from time to time thereafter, pursuant to and under the authority of said House Resolution 282, summoned witnesses, administered oaths, held hearings, took testimony, and undertook and conducted the investigation provided for in said House Resolution; that on, to wit, the third day of February, 1939, the House of Representatives of the United States, at the 76th Congress, passed and adopted House Resolution 26 which said Resolution was, in substance and effect, as follows:

"In the House of Representatives, U.S.,

February, 3, 1939.

"Resolved That the Special Committee to Investigate Un-American Propaganda and Activities is authorized to continue the investigation begun under authority of H. Res. 282 of the Seventy-fifth Congress, and for such purposes said committee shall have the same power and authority as that conferred upon it by said H. Res. 282 of the Seventy-fifth Congress and shall report to the House as soon as practicable, but not later than January 3, 1940, the results of its investigations, together with its recommendations for necessary legislation."

that thereafter, pursuant to and under the authority of said House Resolution 26 and of House Resolution 282, the said special committee, referred to in the House Resolutions aforesaid (which said special committee will hereafter in this indictment be referred to as the special committee), continued to make the investigation provided for in House Resolution 282, and summoned witnesses, administered oaths, held hearings, and took testimony as said special committee had done prior thereto.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That during the year 1939, among the organizations and individuals that were investigated by the Special Committee, were the Silvershirt Legion of America,

That on, to wit, the third day of January, 1940, the Honorable Joe Starnes of Alabama, a member of the House of Representatives from that State, and a member of and the then acting Chairman of the Special Committee on un-American Activities, submitted for and on behalf of the Special Committee, the following report, a considerable portion of which refers to William D. Pelley and the Silvershirt Legion of America:

(Report not attached)

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present;

That one David D. Mayne, well knowing all of the premises aforesaid, and for the purpose of selling said document as genuine and authentic, did on, to wit, the twelfth day of January, 1940, and at the District of Columbia aforesaid, with intent to defraud and injure, unlawfully, knowingly, feloniously and falsely make and forge a certain instrument of writing in the form of a letter of the tenor following, that is to say:

Attached is photostatic copy of letter addressed to "Dear Dave" from Pelley, marked "Enr-A- via L

July 26-'39", identified as Ex. 10.

in that said David D. Mayne added to the part constituting the body of said alleged letter, without permission or authority of any kind from William Dudley Pelley of Asheville, North Carolina, what purported to be and was intended by said David D. Mayne to purport to be, the signature of William Dudley Pelley of Asheville, North Carolina, said letter purporting to be from William Dudley Pelley of Asheville, North Carolina, head of the Silvershirt Legion of America, and addressed to "Dear Dave", that is to say, the defendant David D. Mayne, and said alleged letter indicating and meaning by its language that there was and had been a friendly relation existing between said William Dudley Pelley, head of the Silvershirt Legion of America, and "Dies", that is to say, the Honorable Martin Dies, Chairman of the Special Committee on un-American Activities, and that there had been an "understanding" between the said William Dudley Pelley and the Honorable Martin Dies, Chairman

commonly called and hereafter in this indictment referred to as the Silverhirts, and one William Dudley Pelley of Asheville, North Carolina, the leader and National Commander thereof. The testimony given during that period before the Special Committee and data accumulated by the investigators of the Special Committee indicated that the Silverhirts were an anti-semitic organization that openly had made and were making the most bitter attacks on Jews and American citizens of Jewish descent and had also, in various ways, striven to further the cause and principles of Nazism in the United States; that in this connection, the investigation disclosed that in a book written by the said William Dudley Pelley entitled "The Door to Revelation", said Pelley described how he launched the Silverhirts on January 31, 1933, the day after Hitler took power in Germany, and further stated therein that he regards himself as the American Hitler.

That during the year 1939, as part of the investigation of the Silverhirts and William Dudley Pelley, the Special Committee had unsuccessfully endeavored to serve a subpoena on said Pelley so that he might be questioned at length under oath by the Special Committee as to the alleged un-American activities of himself and the Silverhirts.

That on, to wit, the first day of November, 1939, the Honorable Martin Dies of Texas, Chairman of the Special Committee, submitted House Resolution 321, which sought to continue the investigation of the Special Committee to Investigate Un-American Activities, begun under House Resolution 282 of the 75th Congress, and continued under House Resolution 26 of the 76th Congress, which Resolution was finally passed by the House of Representatives on January 22, 1940, and is in substance and effect as follows:

"Resolved, That the Special Committee to Investigate Un-American Activities is authorized to continue the investigation begun under authority of H. Res. 282 of the Seventy-fifth Congress, and continued under H. Res. 26 of the Seventy-sixth Congress, and for such purposes said committee shall have the same power and authority as that conferred upon it by said H. Res. 282, of the Seventy-fifth Congress and shall report to the House as soon as practicable, but not later than January 2, 1941, the results of its investigations, together with its recommendations for necessary legislation."

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of the Special Committee, as a result of which the said "Dies" had not called William Dudley Pelley to testify before the Special Committee on Un-American Activities, and the said Pelley and the Silvershirts had not been properly or fully investigated as to un-American activities by the Chairman Martin Dies or by the Special Committee; against the form of the statute in such case made and provided, and against the peace and government of the said United States.

SECOND COUNT:

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That the House of Representatives of the United States did adopt certain resolutions under authority of which a certain Special Committee was appointed, which Special Committee conducted a certain investigation, and did make a certain report, the allegations concerning all of which, contained in the first count of this indictment, are incorporated, by reference, into this count as fully as though here repeated.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That one David D. Mayne, on, to wit, the twelfth day of January, 1940, and at the District of Columbia aforesaid, did have in his possession a certain falsely made and forged instrument of writing in the form of a letter, that is to say, the falsely made and forged instrument of writing in the form of a letter which is described according to its tenor and explained as to purported signature and meaning in the first count of this indictment, the allegations of said first count, descriptive of said letter and relating to and in explanation of its purported signature and meaning, being incorporated by reference into this count as fully as though here repeated; and that the said David D. Mayne, as having the said instrument of writing in his possession as aforesaid, did then and there, with intent to defraud and injure, feloniously pass, utter and publish the same as true and genuine to one Harold Weisberg; he, the said David D. Mayne, at the time he so passed, uttered and published the same as true and genuine, well knowing the same to be false and

forged; against the form of the statute in such case made and provided, and against the peace and government of the said United States.

Attorney of the United States in
and for the District of Columbia