

Dear Sol,

1/11/90

When you told me of your interest in the odds and ends of memos of recollections of the past, of times when we were not in contact, memos I had sent to others, it made me think, particularly in connection with some of the FBI pages I'd also sent you. ~~Because~~ Because of the physical difficulty I have in filing, for the most part I've not kept copies of those recollections. But I should of what I should write with regard to one of the areas in which so belatedly the FBI is making selective and I think intendedly prejudicial disclosures. This is the Dies committee business, with the FBI's filings under that committee and under David D. (for DuBois) Mayne, Washington representative of William Dudley Pelley's Silvertshirts, a native fascist organization, and a Dies agent.

I was working with Gardner Jackson, also known as "Pat." He then was one of John L. Lewis' legislative representatives, working for Labor's Non-Partisan League. It was run by Eli Oliver, more conservative than Pat in many areas and they often seemed not to get along very well. Pat had been information officer of the Sacco-Vanzetti committee and was active in many causes, including migratory agricultural workers and their problems.

He was also a close friend of Bob Marshall, wealthy son of a wealthy man who had liberal political and ecological interests. He established two foundations. One had to do with forestry and I recall that one of its directors was Raphael Zon, father of the reporter Henry who you should remember. (Henry covered our committee for a labor news service. After World War II he and Henry Fleischer, also from Labor's non-Partisan League, started a labor public-relations office. As I recall it, the name was Federated Press. Bill and I were friendly with Henry and his wife or lady friend, Helen Shuford, and we not only lived near each other, we bowled together frequently. It is another story, but it is Henry who not only got the idea but made the connection that enabled me to publish my first book when more than 100 publishers, internationally, had refused. I'm pretty sure I have that recorded separately but if you'd like an account, let me know.)

Bob Marshall had a reactionary brother of whom I knew little. He was supposedly influential in ways that were not good in public education in New York. Never met him.

Bob's second foundation was to perhaps do more but what I recall is oppose or expose the Dies committee and its basic unAmericanism. As it happened, I had already decided to do a book on them and had begun my research. As with my later work I had decided to analyze what it actually did and what its people had said and had begun to keep some pretty elaborate books of clippings from the major papers and magazines.

I was neither advertising what I was doing nor keeping it secret. I went to some of the Dies hearings and made notes I no longer have and presume that they, along with the clippings and much else, were just stolen by Edward Dmytryk, one of the Hollywood Ten. You may be interested in more detail later but now I tell you only that before they were to have testified before the Dies committee, one night, without pre-arrangement, Charlie Kramer, who'd been an investigator on our committee, showed up with Dmytryk, reminded me of my work of years earlier, and asked for access to it for the Ten to use in their own defense. I let them take whatever they wanted and never saw it again. Dmytryk turned out to be the stoolie in the Ten and the rest of them just intellectualized in futility and went to jail needlessly. My correspondence on this with some, particularly the late Alvah Dessie, my interest scholars. I hope I do not simplify it too much in saying that they decided to restrict their Constitutional claim to the First Amendment. They did not use the Fifth, having decided not to on principle. I also note that I testified twice before that committee and I can't recall how many times before the grand jury in the Mayne case and did not find it necessary to make any Constitutional claim.

Somehow, and I'm not now clear on how, the Dies gang got interested in what I was doing and as it soon enough turned out, decided to do something about it. My present recollection - and I've no way of knowing if it was the truth - is that another of the committee people, our committee, not Dies', Alexander Sachs, supposedly was doing something about Dies and told them it was for me, that he was working with or for me, either quite false. He wasn't.

Dies and his gang made out that it was all a Communist conspiracy against them but in fact there was no Communist connection at all. Pat was as virulently anti-Communist as anyone I've ever known, for example, and I was ~~never~~ ^{with} a Communist.

Toward the end of 1939 Pat phoned me one day and asked me to meet ^{with} some people. They had been sent to him, he told me, by the columnist, Drew Pearson. Turned out that one, John Henshaw, had been a legman for Pearson, after having been an investigator for the Interior Department. He and his wife lived in the old Gordon Hotel, which you may or may not remember, on the west side of 16th NW near K. He later wrote ~~for~~ for such journals as The National Enquirer, whose Washington correspondent I believe he was years later.

The other was Mayne, who was, as I recall, Henshaw's friend and was allegedly being treated badly by Pelley and was allegedly broke. I did not like either one but Pearson's auspices in those days, when that column was much respected, did mean something to Pat and to me.

Pearson's colleague before World War II was the reactionary Bob Allen, who quit the column for a military career and then after the war wrote his own right ~~column~~ column. I remember helping Pearson with a story he was writing on the Dies committee for Look magazine, then the second largest. We met ~~at~~ at his home in Georgetown, at the corner of Dumbarton and 28 as I now recall, and while he drank cokes, ~~he didn't~~ he didn't even offer me one of them. I'm not absolutely certain but I think Henshaw and Mayne appeared in Pat's office after that.

I don't now recall how we got together but I presume it was when they phoned me that I met with Mayne and with him and Henshaw together. I'm not now clear on the connection, if there was any real connection, of one ~~XXXXX~~ Fraser Gardner (right), who claimed to be the Washington rep of some super-patriotic organization. He also was allegedly broke and panhandled ~~me~~ me a bit. I recall knowing him at the same time but now do not recall any connection. But in those days I had met and knew quite a number of such people, not infrequently of the right.

~~XXXXX~~ Mayne was giving me odds and ends of things relating to Pelley and his outfit. As I recall now, at first copies of his sick publications, mostly if not entirely small pamphlets. Pro-Nazi, anti-Semitic, etc. Then he gave me a couple of letters from Pelley to him. Then he came up with one or more photostats of such letters. When I asked him why photostats his answer is that the original was too valuable and he thus had photostats made while he kept the originals safe and secure. I'm pretty sure, in retrospect, that this made me suspicious on several counts but can't be absolutely certain after all this time. One is that he could have shown me the originals and kept them had his claim been truthful and another is that photostats then cost about \$1.00 each and here he was claiming to be broke and panhandling me for small sums that in the end came to only about \$100. The sum is probably in the FBI records and is probably accurate there. It was really quite little.

I drove him home from time to time, from DC. He then lived in the country, near McLean, an area of Virginia now quite developed but then open land.

Whatever I got or learned I took up with Pat and he got quite excited about this Pelley stuff. I have no present recollection of why but it may well have been the simplest explanation, of the Dies committee's failure in refusal to investigate the native fascists who were supporting it. It did stay away from them and they did support it. There are probably some clippings relating to this in the file of clippings from the right-wing press of that era that I gave to Dave Wrono at Wisconsin along with what remained after Mytryk made off with most of my work on Dies.

There came a time when Pat decided to have a dinner party-meeting with mostly some members of Congress at his home, then 6 W Kirke St, just above the circle to the right of Connecticut Ave., in Chevy Chase. One who was there and wasn't a member was Jimmy Wechsler, and I think he was then on the NY Post but I'm not sure. He had a first-rate source on such things of whom he told us but he at first refused to share. She was

the secretary of Merwin K. Hart, a native fascist who ran something called The New York (State?) Economic Council. He was deep into pro-Franco and similar activity that Dies also shied away from.

My recollection is not clear on whether the liberal from Washington, John Coffee, was there, but I think he was, and I am clear on Joe Casey of Mass. and Frank Hook of Michigan, both liberal Democrats. There were, as I now recall, about a half dozen. Hook really went for the Pelley/Dies things, which it turned out Mayne had fabricated, alleging a connection between Dies and Pelley. These were the photostats, not originals. And nothing would do but that I draft a speech for him to make based on those things. He made it and then all hell broke loose.

As I know is reflected in the FBI records that ~~Iszy~~ ^{Iszy} gotten recently and only skimmed, I insisted to Mayne that he swear to the accuracy of what he told me and the records he gave me. And he did. This may be what convinced Hook, I don't now recall. I then lived at 313 H St., NW and have a clear picture in my mind of three of us sitting at the kitchen table, an oak one we still have, with me asking questions, Mayne answering them, and a friend who was a court reporter taking it down in shorthand that he then typed up and Mayne attested to.

This friend was the late Isadore Bleiberg. He'd worked for the Wilmington sister paper of the morning paper I'd worked for and he'd married a classmate and friend of mine, whose parents also were friends of my family, Sarah Weiner. When Izzy thought he could make more working in Washington, as he later did, they moved in with me until he got located in a decent job, as a court reporter. After he typed up what Mayne had said I took Mayne and the typed copy to Wayne ~~Ward~~ ^{Birdsell}, a notary. As I now recall he was the office manager of the court reporting firm our committee used, Ward & Paul. I'd been friends with them all and had helped them all. But when the Dies gang went after Wayne they had to try to cook something up to make it appear that Mayne had not sworn to the authenticity of all he'd told and given me. They wound up with what was quite feeble and as it turned out valueless, Wayne's alleged inability to recall whether or not Mayne had raised his right hand in executing the oath that he did sign. (Yes, Izzy made out much better as a court reporter in I think the military than he had as a newspaper reporter working for Pierre Dupont. Our pay then was that bad.)

One day there came a knock on my apartment door. It was a man who I suppose showed me Dies committee credentials when he handed me a forthwith subpoena. He demanded that I go right then and there with him to a committee session. I refused and he left and I first phoned Pat and we then set out to get counsel. His friends at such prestigious firms as Covington, Burling refused him. He spoke first to Dean Acheson who, yes, then wore spats. I was with him several times when they spoke and also met Felix Frankfurter, known to Pat from the Sacco-Vanzetti committee days, once when we walked with Acheson from his office then in a bank building on the west side of 15 NW above Penna. Ave. to that Penna Ave. corner, where the Riggs bank was, where he got into Frankfurter's car after I was introduced. Frankfurter had a chauffeur. (And the last time I saw Acheson, which was right before he died, he was still wearing spats, even in the summertime.) We spent most of the time speaking to this firm with its ostentatious liberal, Charles ~~Hicks~~ Horsky. In the end he and the firm refused to represent us. I do not recall any other details or difficulty in getting counsel but I think there was such difficulty. I am absolutely certain of how ~~how~~ we did in the end get counsel and who it was because Drew Pearson, having gotten us into this mess, arranged for his then counsel to provide us with counsel. The first was headed by I think Bill and I'm sure Roberts and it was in the Transportation Bldg. The member assigned to us was actually an international lawyer, a fine and scholarly man named Edgar Turlington, who also had a hearing impediment.

I don't know that I was ever afraid of that gang led by Dies and I do recall that after we had counsel I did not insist on having counsel with me when I testified the first
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They must have been ^{coming} shading me but I paid no attention to such things and was neither concerned nor interested in the possibility, there being ^{no} ~~no~~ cause. I was connected with nothing other than Pat. So, one day when I was on the House side of the Capitol Bldg. and was asked, with or without a subpoena, to testify, I did agree. But I had no idea of the extremes to which that bunch had gone to make it difficult. They had actually arranged to use then House Speaker Sam Rayburn's hideaway office in the Capitol and had it full of their people, members and staff, with an overstuffed chair for me near a radiator to make me warm and uncomfortable. When I asked for water they actually got it from the hot-water tap. But I did testify at this executive session when I could have refused and demanded to testify in public. I don't now recall if I even thought of that then. I had nothing to hide or, with any honesty, to fear.

Long ^{before} ~~before~~ then, of course, the committee had issued its own press statement in which it attributed all sorts of horrendous offenses to us and had gotten considerable attention with those lies that we were never really able to catch up with until ~~they~~ ^{they} went too far and tried to do something as a matter of law to us.

They could not find any use for my testimony so they arranged for me to supposedly go over it with them. That time I refused unless I had counsel with me and Hurlington was there. Both times they had a court reporter and to the best of my knowledge they never published my testimony because they didn't dare.

What they tried to do as a matter of law they had to invent, after the fact, because we'd done nothing wrong at all. I am absolutely certain that I never made any claim to any Constitutional immunity. I answered all questions and that was their problem. They could not use my truthful answers. So first they had a law passed and it is still on the books. It makes it a crime to interfere with the proper functioning of a Congressional committee. When Senator ~~Schweiker~~ ^{WEICHER} during the Watergate hearings said that he had thrown Charles Colson out of his office he then alleged that Colson was in violation of this law passed to "get" Pat and me. Of course we'd done ~~no~~ nothing improper. But the Texas gang had considerable influence and one of the things it did to try to get to do something to us was hold up the appointment of Dave ^{Pine} to be a judge. He'd been the United States Attorney for the District of Columbia and I then knew ^{him} ~~he~~. In fact, helped him much on a case you may remember, when the committee we worked for caught Ted Creech trying to influence a committee witness in Washington. (Of the Creech Coal Corp. of Harlan County.) Dave liked me. He used to call me "affidavit face" beginning with the Creech case. Despite his appointment being held up he refused to handle the case on which Dies et al were pressing himself. He assigned an assistant to ~~be~~ ^{be}, a man later in charge ^{charge} of war crimes prosecutions in Tokyo. I'll remember his name soon. He handled the grand jury, at least when I was before it, which I now remember as pretty often. I'm not clear on the number of times but I am clear on what was the significant factor in my being able to take the grand jury away from Ed Fihelly, the name having come back, and how difficult one aspect of it was for me. Remember, I was then pretty young, 25 or less.

I'm sure the name of a lawyer ^{Babp} or something like that will appear in the FBI records. He was a friend of Mayne's and Mayne used his office ⁱⁿ the Bond Bldg., as I now recall, SW corner 14 and NY ave., near David Babp, extreme right. But the man who actually was Mayne's lawyer was Dennis Hallowell, who, it turned out, Lil had dated a couple of times. She is asleep and I'm not waking her for details which are not all that important in the overall but there came a time when I was visiting my mother in Wilmington when Lil phoned me to return immediately and I did. She'd gotten nowhere in talking to Jackson about what she'd learned because Jackson had been sold a bill of goods about what was to happen before the grand jury, that they were going to let us off if we'd just be calm and quite and make no problems for the US attorney. Lil had visited Hallowell at his office, I presume at his invitation, and when she left, as I now recall from having read something he left out for her to read when he said he had to leave his office for a few minutes, she knew the opposite was the truth and that they were determined to have

Pat and me

the grand jury indict us both, They were particularly anxious to get Jackson indicted because that involved labor and ^{John} Lewis.

While I ~~wasn't~~ ^{don't} claim a clear recollection now I am absolutely certain that I was 100% confident of what I had learned from Hollowell and I may have been that confident, I'm not now sure, that Pat and Burlington were being lied to by those they trusted, who were complaining daily about my conduct before the grand jury. This was reported as bad and antagonistic. The truth is that I was just fighting back against an attempted "fix" that was pretty obvious to me. It wasn't ~~fix~~ * ~~it was~~ was a rough period. You know, of course, that one doesn't have counsel before the grand jury, one is entirely ~~is~~ alone, and there is nothing to restrain what the prosecutor can do. Fihelly gave what he tried to do to me his best effort over a period of days and having been properly informed by ~~all~~ of what was underlying the whole thing and what to expect I did fight back with ~~tenacity~~ ^{tenacity} and vigor. In the end I took the grand jury away from Fihelly and he, perhaps old enough to have been my father, wound up with so much respect for me that after it was all over he phoned and invited me to his office and he then, knowing that it could cost him his license, trusted me to keep my source confidential and he gave me a copy of some of the grand jury transcripts. This included the testimony of Martin Dies and of Dave Lloyd, then our committee's assistnt counsel. ~~They~~ ^{he} testified that when La Follette fired me it had nothing to do with alleged communism, which was ~~the~~ ^{the} truth about which the Dies gang had lied, and Dies testified that I was nothing at all, words to that effect, and he had nothing at all on me except for what did not stack.

Here I'd best digress for a couple of things. LaFollette actually fired me for, with Pat Jackson, lobbying through the extension of the committee's life to investigate the migratory-labor situation in California - remember "Grapes of Wrath?" He gave as his excuse that I had leaked something to ^{the} Daily Worker. First of all, I had nothing to leak and I leaked nothing. And it wasn't to the Daily Worker, it was to Henry Zon and the Federated Press. I'd forgotten the details until years later, when the son of a local friend, ~~Ben~~ ^{Ben} Ernie Berger, who had a bookstore, was ~~working~~ ^{working} on his doctoral thesis and I was able to help him by opening some confidential labor sources in Washington. ~~Henry~~ ^{Henry} Berger's thesis was on labor as an ~~arm~~ ^{arm} of foreign policy. In one of the sources I was able to open for Henry, the United Mine Workers, there was a memo about me and on this firing, from Jackson to Lewis. I think Pat wanted them to hire me. I know that earlier Lewis had taken my advice, which he'd sought, on who to hire as his general counsel of the DJ lawyers who'd handled the Harlan case. I was not on the committee's payroll but was on Farm Security's, as administrative assistant to C. Benham (Beanie) Baldwin and I did nothing to keep that job. I never even saw my office or secretary there! I was assigned to the committee. Anyway, Henry sent me a xerox I've misplaced of a memo Pat wrote Lewis. What was allegedly leaked was galley ~~and~~ proofs of hearings that were published and in this instance it was on the Special Conference Committee of the National Association of Manufacturers. You may remember the precious line that got attention in a letter we got under subpoena, about needing a Black Legion, like was used against the auto workers? Anyway, the stuff was public, not confidential, and I had not done it, Ben Allen had. I had no recollection of that. Pat also said that for one year, I suppose the first after it was enacted, I had prepared the defense of the Wagner Act. Of this I have only the slightest recollection, of a number of trips to Senator Wagner's office to meet with and give information to his assistant and I think nephew, Leon Keyserling, the economist. I'd love to remember the details of what Pat wrote Lewis about but have no recollection at all except for what I say above. (Aside: it was the Wagner-Cornry Act and I never knew that Congressman Cornery of Mass. but a couple of years later, when his brother had succeeded him, his brother became ~~a~~ ^{beke's} a friend when Hugh Scott and the ^{Brien} Mahan law firm tried to do a job on me on ~~behalf~~ ^{behalf} of the Nazi front, Rohm and Haas, after I exposed it in CLICK when it was the third largest picture magazine and I was its Washington correspondent. It is J. Edgar Hoover's letter to CLICK praising this article that the FBI pretends it can't find.)

The FBI, of course, helped with the prosecution. There came a time when it wanted to interview me and I am clear on having given it the box of stuff I'd gotten from Mayne. My landlord at ~~300~~ 313 H St. had a liquor store and I got an empty box from him and kept all that I got from Mayne in that box. I gave it to the FBI in that box and whatever it returned to me also was in that box, ~~and~~ as it was when I gave it to Wtome for the Wisconsin Archive. I did go to their office to be interviewed and remember that it was in the main Justice Dept. bldg on Penna. Ave. As was its usual practise, the FBI wrote out what it wanted me to sign, its selection, supposedly, of what I'd said but actually including what I'd not said. I've encountered much of this in the Kennedy and King assassination FBI records, where it merely omits what it doesn't want to have regardless of its relevance. I refused to sign the statement they had prepared for my signature because, as I now recall, it was intended to incriminate me by including what I'd not said and was not the truth. There is reference to this but no copies of statements in what I got from the FBI recently and I've tried for years to get a copy of the statement I refused to sign. They would not let me leave so I just sat there until I outsat them in their own office. They finally agreed to either phone Burlington or for me to phone him. He came, he merely repeated what I'd said, that the ^{State} statement was not the truth and I would not sign it but would sign a truthful statement and I'm sure ~~that~~ ^{this} in the end that is what happened. I'm sure I signed a statement but that it was not what the FBI and the Dies gang wanted or the prosecution could use.

As a result of my difficult fights before the grand jury in which I took it from the prosecution it refused to indict Pat or me and did issue uttering and forging and false pretense charges against Mayne. Mayne, having done this at the behest of the Dies gang, ~~and~~ it is my present recollection that the honcho on the deal was J. Parnell ~~Thomas~~ Thomas, nee Feeney before he changed his name and ran for Congress, had a call on them. Dies appeared in person and made a plea in public on behalf of Mayne and he got a two year suspended sentence. I presume he was taken care of in other ways and there is a basis for this presumption. He was by trade a steamfitter or something like that and of all things, after this felony conviction, he wound up working on the atom bomb in the southwest. I learned about this from what I've not seen in the FBI records, when it had an agent drive up to see me when his "security" was being checked. I refused, on principle, to give the FBI any statement and pointed out that if convictions for felonies were not enough then nothing was enough to raise questions. I'm sure that FBI agent filed some report but I never got a copy from his field office or FBIHQ. He was from Phoenix or Albuquerque.

The night of the day of our victory a supper in my honor was improvised by the Congressmen at Pat's dinner and a few others, like Vito Marcantonio. I'm not now sure but if Wil was not the only woman there there were at most only two more. It was at the Madrillon, where they put some tables end to end to accommodate all of us. What I do remember clearly is that this wonderfully decent human being, Congressman Frank Hook, sang two songs to me, "The Dies of Texas Are Upon You" and "Starnes Fell 'n Alabama." The Dies pun is obvious and those were two popular songs of the day. Hoe Starnes was next to Dies on the Committee. He was vice-chairman and the song is "Starnes Fell 'n Alabama." It was quite a party, quite a celebration. I don't think that either before or since then was any committee agent convicted of such offenses.

This is off the top of the head before daylight and there is something I've noted elsewhere and do not want to omit here because I'll be putting a copy with the FBI records. I got three women whose names I do not remember, probably the nonworking wives of liberal or progressive working men, and put them in the office of the Clerk of the House, where all such records then were public, and they typed up copies of each and every expense account filed by the Dies committee to the days they were there. Dwytryk got the originals and I don't know what else and I'm sure they wound up with ~~either~~ either the committee or the FBI. But there were also carbon copies. (No Xeroxes then!) And Wisconsin has all the carbon copies that remained. This is how I was able to learn that Mayne was actually working for the committee, which carried him day after day when he did ~~not testify as a witness, his pay being his alleged witness fees.~~

not testify as a witness. His pay was phoned as witness fees. I'm sure that this was effective before the grand jury. (In those days also most of the members of the grand jury were government employees so it was a little more of a problem to prevail against the government with a grand jury of its employees.) By this I mean that with the committee's own records I was able to prove beyond question that on the very days he was talking to and lying to me and giving me the records he'd fabricated he was being paid by the Dies committee. This left it without question that in his ~~fabricated~~ felonies he was acting as its agent. He and the committee were lucky they did not face added charges, which I think could have included conspiracy and entrapment.

Another aside: I never had any further problems with or from the Dies committee that I can recall. Dies and Starnes both first-named me and in return I first-named them. Starnes was always friendly in person whenever we met, which was fairly often then often as I was then in the Capitol. Dies wasn't but he also wasn't in any way ugly about it. Feeney/Thomas was just plain disagreeable.

If Dmytryk gave what he got from me to the committee, those records can be kept secret as I now recall for only 50 years. At the end of this time they ought be requested because they do provide an intelligible accounts of a significant, pre-McCarthyite campaign along with the financial records that can be and in this case were so important in establishing dishonesty. I recall that when Dies was supposedly holding a hearing on Consumers' Union as a Communist front he was not even in Washington from those expense records. That was, actually, an act of vengeance by Dies's director of research, J/B. Matthews, who had had a falling out with or had been fired by CU and had started a competitive consumer-testing organization, Consumers Research.

Of course if the FBI has those records they are not immune but first must be located. If it ever came out which Dmytryk finked for I don't recall it and he claims to have no recollection at all when I wrote him years later.