

ILLEGAL ACTIVITIES OF THE DIES COMMITTEE

Unemployed, fifty-five year old James Hulse Dolsen was sound asleep as the sun rose on Saturday morning, March 23, 1940. He was roused by Dies committee investigator Robert B. Barker and an assistant of unknown authority. Barker thrust into the hands of the still-asleep Dolsen a Dies committee "forthwith" subpoena and explained that it had just about the force of a search and seizure warrant. He told Dolsen to dress, and while Dolsen was dressing Barker ransacked the room, emptying the contents of files, bookcases and bureau drawers into Dolsen's suitcases. He took even empty file folders. Dolsen protested, but to no avail. He was not allowed to phone a lawyer or friends. As soon as he was clothed he was rushed into a waiting auto and driven to the airport. Here he finally did get to a phone but only a moment before he was taken onto the plane and flown to Washington. Barker told him that the subpoena compelled him to fly to Washington immediately, ~~with the investigator~~

Upon arriving in Washington Dolsen was taken before an executive session of the Dies committee—a session at which neither the press nor other citizens are allowed. Having regained some of his composure Dolsen refused to testify in secret and without a lawyer. The committee decided to wait until Monday morning.

Dolsen spent the weekend in an unsuccessful search for a lawyer who would represent him. Dolsen is an ~~admitted~~ admitted Communist, a charter member of the party and a regular letter-to-the editor writer. Without a lawyer he testified all day Monday and was told to return for further questioning the following day. When Dolsen showed up on Tuesday morning

with a lawyer the committee did not question him. He was told to keep on reporting, which he did, but he was never recalled to the stand.

Dolsen had in his raided little room in a rooming house a Communist Party dues-book made out in the name of Franklin Delano Roosevelt, a name adopted by a party member afraid of losing his job if his identity with the party were known. This got the Dies committee back on the front pages for the first time in two months.

The real reason Dolsen was never recalled is that he raised the question of the committee's illegal action in apprehending him on a subpoena and improperly seizing his personal property. Although there were two two Dies men to contradict Dolsen, the committee couldn't risk it.

The agent of any Congressional committee serving a subpoena has absolutely no power. If asked to leave he must do so immediately. He can take nothing unless it is voluntarily given him by the person upon whom he serves the subpoena. The subpoena allows sufficient time to get a lawyer, collect any documents that might be called for. The committee is bound to pay ~~tax~~ transportation expenses of the witness but the witness is not required to accompany the agent.

The book which got the committee its headlines was not Dolsen's, so it didn't come under the subpoena. The book had, obviously, no connection with the president, unless he resided in Pittsburgh and worked on WPA.

Attached is a brief summary of Dolsen's testimony with some quotes, showing clearly that he had no rights and was frequently threatened and intimidated.

After a day passed the newspapers and Members of Congress

began to laugh as Dies' "expose". The Pittsburgh Press criticized the committee for "wasting the taxpayers' money" and said that sufficient information about Dolsen could have been obtained "simply by spending a three-cent stamp on a letter." When Dies committee agents, led by the committee's general counsel, swooped down on the Communist Party's Pittsburgh office on Tuesday, March 26, they were denied access to the records.

So, on Thursday they hastened to Baltimore, the office of the party closest to Washington, and, when only a ~~man~~ ^{woman} was in the office, raided it and, over her protests, removed its contents. They made no effort to serve a subpoena on the woman's husband, Dr. ~~ELMER~~ Albert Blumberg, party secretary. When the agents raided the Baltimore office they used a blank subpoena, and filed in Mrs. Blumberg's name after she identified herself. (No other Congressional committee is known to have employed this questionable procedure. The Dies committee has made a practise of it. During the election campaign on 1938 Dies gave a political opponent of Farmer-Laborite Governor Elmer Benson of Minnesota a half-dozen blank subpoenas and \$500 with which to bring unknown witnesses to Washington to testify against Benson. Benson was labeled a red. He was defeated.)

When Mrs. Dorothy Blumberg, in the course of her testimony on Friday, March 29, accused the committee of robbing the office Dies defended his investigators, who once again had operated in pairs in order to have two words against one, by saying the Mrs. Blumberg had given them permission to take everything in the office. Mrs. Blumberg pointed out that she had no such authority, not being an official, and otherwise

denied Dies statements about the raid. Within a short while she was finished testifying and has not yet been recalled.

Also on the 29th Dies agents raided the Massachusetts headquarters of the Communist Party.

Each of these raids was accompanied, as were those that followed, either by a statement or a "rumor" which seemed to come from the committee that a membership list had been obtained. All witnesses were asked for the names of party members or for lists. All refused and, with the exception of the two women who testified, Mrs. Blumberg and Miss Anne Burlek, administrative secretary of the party in Massachusetts (who testified on Thursday, April 4), all were as a consequence cited for contempt.

Dies was a day too early for April Fools' Day when he announced that he was going after the membership list of "the German-American Bund and all other organizations which our committee finds to be subversive". There were two catches: The committee has made no effort so far as can be discovered to get a Bund membership list; its own record shows that the Bund's membership list was destroyed in anticipation of a demand for it. Had the committee, however, actually gotten such a list it is clear that no use would have been made of it, for it has had in its possession a Pelley list for 8 or 9 months and has steadfastly refused to make it public.

The day after the testimony of the Blumbergs, at 10:53 p.m., the Klan burned crosses on their lawn, but the committee has done nothing about it even though there is now a law (Public 401, passed this January) making it a felony to interfere with witnesses before Congressional committee. When Dies was asked on Wednesday April 10, 1940, by Congressman

Vito Marcantonio (ALP, NY), when he would investigate the Klan, if he would, Dies remained silent. Although on this same day Dies made a lengthy defense of his committee (4 single-spaced typewritten pages) on the House floor /the Congressional Record does not contain it. There is a legend saying (strangely enough) that the speech will appear in the appendix. It is not there nor is it in the Record of Thursday.

On Tuesday night, April 2, Dies announced that his agents, assisted by local police, had raided the Communist Party's headquarters in Philadelphia and obtained "amazing " evidence, including membership lists, dues, and disbursements.

This is what happened in Philadelphia:

Two committee investigators, George Hurley (former G-man) and Chester Howe (who had spent a long time in Philadelphia beginning early in 1939), led a raiding party totalling 27 and also including Philadelphia police, 8 detectives, and motor cycle police. One of the raiding party said that the material seized was taken in a truck over the Delaware River Bridge (a mile from Communist Party Headquarters) and into New Jersey in order to get the material out of the State before legal proceedings to halt its removal could be instituted. The bridge is in the opposite direction from Washington.

Once again the committee's illegal action failed to get it back into sensational headlines to which it was accustomed. Immediately the Philadelphia Communists demanded the arrest of the Dies agents. The committee began to worry.

(See attached memo for judges decision, copy of warrant, etc., re Philadelphia raids. The International Workers' Order office was also similarly raided.)

On the morning of April 4, Richard H. Lawry, who had been fired after the committee alleged he was a Communist, from his job as Pittsburgh census supervisor, was recalled to the stand while the committee again attempted, in self-justification, to prove he was a Communist. The committee failed and Lawry, father of 7, had no job.

Later that day Phil Frankfeld, State secretary of the Communist Party for Massachusetts, was ejected from the hearing at Dies direction when he demanded a right the committee has regularly accorded fascist, anti-labor, and Republican (John D.M. Hamilton) witnesses. He wanted to make a short ~~statement~~ statement for the record. Dies told him to get someone to put it in the Congressional Record.

told

On April 4 Dies was informed by Federal Judge George A. Welsh, of Philadelphia, not to make any use of the material seized illegally in Philadelphia. Dies immediately placed this material in his committee's record and then announced, "The records are all in, are a part of the record of the committee and a part of the evidence. It's a fait accompli. The matter is now academic. I don't see how we can now give them up. It is out of our control." Five days later Dies proved himself a liar when he returned the records stolen in Philadelphia.

The next day Judge Welsh order the arrest of the Dies agents. Dies retaliated with an additional clear violation of the law. Committee secretary Robert Stripling swore out an affidavit for the arrest of Frankfeld and Thomas F. Patrick O'Dea, secretary of the Young Communist league of Mass. Apprehended in the corridors of the House Office Building while waiting for a Dies committee hearing that didn't begin until today (4/12/40) both were jailed in default of bail. See copy of Judge Letts' decision in dismissing Frankfeld and O'Dea, attached.

The jailing of the two Communists gave Dies the benefit of some of the headlines and in part offset the bad publicity of Judge Welch's order.

Suffering from these several reverses, something to which Dies is unaccustomed, he suspended hearings on the fourth and kept himself in the headlines by a safer device, a series of statements to the press. On the fifth he appealed "to the people of ~~this~~^{this} country" to decide whether he or the law was wrong. On the sixth he predicted enactment of a law requiring registration of left-wing political parties. On the same day Representative Jerry Voorhis (Dem., Calif.) member of the committee who had previously been considered a liberal, announced he was introducing a bill to "smoke out" the names of Communists and others. When Voorhis introduced his bill it was so broad that competent Congressional observers might say it would even require the Catholic church to register with the State Department.

Next day Dies used President Roosevelt to get him back into the headlines by "challenging" him with a "direct question" to support Dies legislative ideas referred to above.

On the eighth Dies asked the House to cite Blumberg, O'Dea and Frankfeld, which the House did. Dolsen and George Powers, Citsburgh Communist leader, had been previously cited and, at the demand of the committee, Frankfeld and O'Dea had been illegally arrested for this. This was greeted by the American Civil Liberties Union and by numerous clergymen and educators as "indefensible".

Judge Letts rendered the decision criticising the committee referred to above (see attached) on the ninth and Dies countered,

referring to this decision, "If there ain't enough law we'll give them some law." He also said that if arrests could be made only in the way prescribed by law "they've got us beat". (!)

On the tenth Dies charged that Communist leaders were fleeing to escape the committee, but he failed to call a hearing to take testimony from Communist witnesses who had come in to testify and who were compelled to hang around Washington. Later in the day he made the speech which has yet to be found in the Congressional Record, referred to above.

On the eleventh Dies took testimony again ~~for~~ for about two hours, but added nothing to the record.

He got back in stride today by resorting to one of his previous witnesses. After Dies and other members of the committee (except Casey of Mass.) and Counsel Robert Lynch (see previous memo) and Research Director J.B. Matthews spent almost the whole day threatening, ~~and~~ intimidating and provoking 4 witnesses representing the Veterans of the Abraham Lincoln Brigade (Fred Keller, Milton Wolff (sic), Anthony DeMaio (sic) and Gerald Cook), William C. McCuistion (see earlier memo) was recalled to the stand to tell a lurid story of the alleged execution of an American boy who Matthews said, without even referring to any evidence, was a direct lineal descendant of President John Quincy Adams who assumed the name of White. All four had denied that there had been such an execution. McCuistion concluded the hearing at 5:58 p.m., and none of the four was given an opportunity to refute his testimony. McCuistion, when New Orleans police attempted to extradict him to stand trial on a murder charge ~~last~~ late last year, was successfully defended by Rhea Whitley, former G-man and then committee counsel. Since then

McQuiston has been indicted by a grand jury for this murder, but he has continued to hang around the Dies committee, allegedly getting \$5 a day from the committee. He has been shadowing some of the committee's witnesses.

Earlier in the day John Honeycomb, deserted from the Spanish Republican Army, was encouraged to call the Spanish relief a "lucrative racket" and to state that he "believed" that "no more than 20 percent" of the money collected for this purpose in the United States reached Spain. When Keller denied this Noah Mason (Rep., Ill.) said that Keller's denial did not constitute a sufficient refutation because he had nothing besides his sworn testimony to offer.

These are not the only such raids conducted by the Dies committee. On October 2, 1939, a similar raid was made on the offices of the Chicago branch of the Communist Party. Cooperating in this ~~enterprise~~ enterprise was Make (sic) Mills, head of the Chicago "Red" squad, who achieved a short fame in 1937 when he proved that the 10 people massacred during the picketing of the struck Republic Steel Corporation plant were part of a group of dangerous agitators who were going to take the plant over. His activity during the "Little Steel" strike is a matter of record (La Follette Committee hearings, parts 14 and 15-D). At approximately the same time there was a raid on the Chicago office of the American League for Peace and Democracy. (Abe Isserman has complete information, including affidavits, on this. I, unfortunately, haven't my copies). The raid on the Washington office of the league is covered in my other memo on the Dies committee. Note particularly the publication

of the mailing list as a membership list, Mason's comment on the reason for incorporating it in the record, etc.

These are not the only times Dies has threatened witnesses with contempt proceedings, although it is the first time he has actually instituted them. For example, when Joe Curran was a witness, on Saturday October 28, 1939, after he tried to get the committee to take testimony from him about the removal of American seamen from American ships, Dies threatened him with contempt if he did not stop trying to volunteer information.

Throughout the recent examinations stress has been laid on union connections of the witnesses. All were asked about their union affiliations, even years back. Some of this was in great detail, an obvious effort to show Communist domination in several cases.

Re: "forthwith" subpoenas. Dies agents habitually interpret forthwith to mean immediately although, as a matter of law, this is not true. In my case ~~they~~ the man who served the subpoena at 8:21 a.m. demanded that I appear at 9 a.m., although when he got here I was in bed and when I answered the door I was undressed. I didn't get there until 8:30 and nothing was said. They do it so they can prevent lawyers representing witnesses from thwarting some of the raw stuff they pull. Once Sol Cohn got down to Washington and represented the various Communist witnesses the committee didn't get away with what it did in Dolson's case.

Re: Curran's testimony. Although Volume 10 of the committee's printed hearings represents that it included the testimony of October 28, 1939, Joe Curran's testimony is not included, although that was the day on which he appeared and his testimony took up almost the whole day. No reason has been given for this, in fact, nobody seems to have noticed it. I know of no similar case on any committee. Day's of hearings are never broken in half, and there is no limitation on the size of the book. Volume 10 is smaller than several of the others the committee has turned out.