Silver Shirts

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

FOI/CRM 2393

MAY 3 1977

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

We are in receipt of a referral from the FBI dated April 18, 1977, directing our attention to paragraph three of your request to the FBI dated October 27, 1975, for copies of materials which you furnished to the FBI concerning the Silver Shirts and David DuBois Mayne.

The FBI informed you by letter dated April 14, 1977, that the materials you furnished were transmitted to the Department of Justice on February 17, 1940 in the case entitled "David DuBois Mayne; Forgery in the District of Columbia". We have been unable to locate the materials. A search in the name of David DuBois Mayne reflects five Criminal Division documents pertaining to the materials. Those documents indicate that the materials were returned to the FBI on March 6 and March 7, 1940. Copies of the five documents are enclosed. We have referred your request back to the FBI for further response to you.

We are also in receipt of your letter dated April 20, 1977, suggesting that in processing your request for records about yourself we should have located records concerning you in connection with the Mayne matter, the case of U.S. v. Mary Helen, and several other matters. The Privacy Act, under which a request by a person for records about himself is processed, only requires search in the name of the requester. As we indicated in our letter dated April 15, 1977, search in your name did not reflect any records pertaining to you.

Nevertheless, in accordance with your April 20, 1977, letter and the referral from the FBI, we have now searched, pursuant to the Freedom of Information Act, in the name of David DuBois Mayne. As indicated above, we have located the five abovementioned documents pertaining to you. In addition, in accordance with your letter of April 20, 1977, we have searched under U.S. v. Mary Helen. That search did not reflect any records. The other matters which you set forth in your letter do not reasonably describe the records sought, as required by the Freedom of Information Act, since your descriptions of the records fail to provide information sufficient for search.

Regarding your reference to interviews of you and your wife by the FBI in connection with the Alger Hiss case, you are further advised that we have already reviewed all Criminal Division documents which we have been able to locate, in processing another request. We recall no reference to you or your wife in those documents. The approximately 500 pages of such documents are, however, available to you at $.10 per page, if you wish copies.

Finally, we note your question regarding the June 10, 1966, memorandum from the Deputy Archivist to Marion M. Johnson. Our records reflect that the National Archives and Records Service consulted with the Department of Justice regarding the releasability of the document. On November 19, 1976, we advised the Office of Legal Counsel-which was coordinating the consultation for the Justice Department-that the Criminal Division had no objection to the release of the document. You should direct any further inquiry regarding the matter to the National Archives and Records Service.

Very truly yours,

Benjamin R. Civiletti
Assistant Attorney General
Criminal Division

by: E. Ross Buckley
E. Ross Buckley
Attorney in Charge
FOI/Privacy Act Unit

(2)

MAR 8 1940

March 6, 1940.

MEMORANDUM FOR MR. HOOVER,
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Reference is made to your memorandum of February 17, 1940, transmitting twelve large envelopes turned over to Special Agents by Harold Salsburg, who states that these documents constituted the files of David D. Haynes, in which you requested to be advised what, if any, action should be taken by the Bureau in the premises.

The envelopes in question are herewith returned, together with a memorandum prepared by Mr. James E. Ruffin, Special Assistant to the Attorney General in this Division, showing the result of his examination of the documents in question. Inasmuch as Mr. Ruffin has reached the conclusion that no Federal criminal statute seems to have been violated no further action is believed warranted.

As I understand it, the United States Attorney in Washington, D. C. has some phases of this matter before him and it may be that the enclosed documents would be of some assistance to him. It is, therefore, suggested that it might be advisable to have the Agents who received these documents bring the same to the attention of the United States Attorney.

Respectfully,

O. JOHN ROGGE,
Assistant Attorney General.

Enc. 166758

(3)

JTE-JER-mkH.

February 23, 1940.

MEMORANDUM FOR MR. FISHER,

In re

DAVID D. WAYNE.

Pursuant to your request, I have read all of the contents of the twelve large envelopes pertaining to the David D. Wayne matter. You will recall that Wayne is the individual who is alleged to have recently been instrumental in causing charges against the Dies Committee to be brought by Congressman Hook on the floor of the House upon documents which seem to have been fraudulent.

The papers examined by me were delivered to the Federal Bureau of Investigation by one Harold Weisberg, who purportedly stated that the documents constituted the files of Wayne. Several days ago Congressman Hook turned over to the Department copies of the alleged forged documents, as well as other papers, which he asked the Department to study. These papers are not part of the ones under consideration here, although there are some duplicates of his papers among those here considered.

Memo. for Mr. Fisher ---

The documents here considered consist of various letters and copies of letters which purportedly passed between Rhyne while he was agent in Washington for William Dudley Pelley and other persons allegedly in Pelley's employ during the years 1938 and 1939. There are also some pamphlets which were purportedly published by some of Pelley's concerns during that time. Among these is a pamphlet published during 1939, which makes certain scandalous references to the President in connection with birthday balls held for the purpose of raising funds to be used in fighting infantile paralysis. All the evidence on this point consists of the pamphlet itself, which, of course, adds nothing to what information we have already received on this phase of Pelley's activities. As this phase of the matter was investigated thoroughly last year by several attorneys in the Department, of course I am expressing no opinion on it in this memorandum.

Excepting this pamphlet referring to the President, and assuming that the mails were used in connection with the various other papers herein considered, which could easily be shown, I can find no Federal statute which seems to have been violated in the premises.

Respectfully submitted,

JAMES M. RUFFIN,
Special Assistant to the Attorney General.

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[illegible] Piser

[illegible] March 6, 1940

MEMORANDUM FOR MR. HOOVER,
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Reference is made to your memorandum of February 24, 1940, in regard to David D. Hayne (Diss, Hook, etc. matter) and to my memorandum to you of March 6, 1940 on the subject. In this connection there is enclosed a supplemental memorandum prepared by Mr. Ruffin of this Division relating to the subject for your information.

The papers which accompanied your memorandum are herewith returned.

Respectfully,

J. JOAN KEENE,
Assistant Attorney General.

Enc. 360711

JHR-EGL

March 6, 1940.

MEMORANDUM FOR MR. FISHER,

In re

DAVID D. MAYNE
(Dies, Hook, etc. matter).

This memorandum supplements my memorandum of February 23, 1940, which covered my reading of the material contained in the 12 large envelopes which purportedly were delivered to the Federal Bureau of Investigation by one Harold Weisburg, who stated that the documents constituted the files of David D. Mayne.

Attached to the memorandum of J. Edgar Hoover, Director of the F. B. I., to Assistant Attorney General O. John Rogge, dated February 24, 1940, are 22 exhibits covering various papers which were also purportedly taken from the files of Mr. Mayne by Weisburg and delivered to the F. B. I. A reading of these papers does not change the conclusion reached by me in the memorandum of February 23rd above-mentioned, which was that the evidence submitted fails to show a violation of any Federal statute.

JAMES E. HUFFIN.

(5)

THE SILVERSHIRT LEGION of AMERICA

OFFICE OF THE
NATIONAL
COMMANDER

P. O. BOX 177
ASHEVILLE, N. C

June 30, 1939.

[illegible] Virginia.

Dear Fellow Patriot:

You are being sent herewith your Silvershirt Legion Certificate of Membership, and may I be permitted to add a word regarding what it stands for, by means of this brief letter. The dispatching of this certificate to you attests that you have been accepted as an American citizen disposed to uphold the spirit of the American Constitution and the principles and objectives of this organization. This certificate attests that you are accepted as a member of this national organization, and that you are a Silvershirt in principle although not necessarily in definite allocation. Needless to say, it gives me as National Commander much gratification to have you with us as a pledged member of this rapidly expanding vigilante body of constitutional Christian patriots, and as time goes on and we gain to our objectives, your possession of this certificate may well be considered as your passport into the most significant of offices.

As Silvershirts, we have entered the lists for a battle to the death against the forces of greed and corruption. We have dedicated ourselves and our resources to the advancement of truly Christian principles in politics and economics, a struggle in which all our spiritual and physical stamina is being sorely tried, and a fight from which there can be no turning back until we have succeeded in restoring constitutional government and installing a humane economic system in these United States.

Our campaign at this stage is necessarily one of education regarding the growth and purpose of the New Deal dictatorship, and as to the conditions which we as Silvershirts are pledged to establish for the benefit of the whole people.

With the silvers [illegible] occupying many strategic positions in the nation, I do rely upon each and every Silvershirt to quietly interest other Christian Anglo American men in meeting with him or her in a Council of Safety, as a nucleus for Post and Chapel organizations in the community.

We at Headquarters stand ready to cooperate with those in the field in every way possible, and are accordingly sending under separate cover some literature designed to assist you in winning others to the standard we are proud to follow.

Accept my hand in [illegible] alliance.

WILLIAM DUDLEY PELLEY,

By [illegible]