

# Legion Committee Gives Fish a Whitewashing

## Finds Nothing Wrong in Use of Frank By Pro-Fascists

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WASHINGTON, May 3.—The National Committee of the American Legion has outfitted Rep. Hamilton Fish (R., N. Y.) with a Spring coat of crisp, tailored whitewash.

In a report endorsed at the semi-annual meeting here, the Committee said there was nothing wrong with Fish allowing alleged seditionists to use his Congressional franking privilege (free mail) to send out copies of Fish speeches—including the one in which he pressed for an amendment to the sedition laws which would have crippled the Government's action against 30 alleged subversive characters in the current trial.

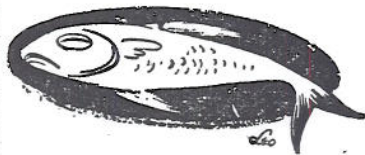
Furthermore, the report, prepared by a Subcommittee under Harry W. Colmery, Topeka, Kans., past national commander, insisted that the Legion ought to know better than to go sticking its nose into things that do not concern it.

### Attacked at Convention

The whole thing arose out of a resolution at the Legion National Convention in Omaha, Neb., last year which assailed Fish for allowing use of his frank to such citizens as Leon de Aryan, of California, then under indictment for sedition, Mrs. Elizabeth Dilling, Chicago, now on trial here, and George Sylvester Viereck, convicted German agent.

Fish, an early Legionaire, asked the Executive Committee to hear his defense and appeared before it in Indianapolis last November. He contended that his speeches were "100 per cent American," and he didn't see anything wrong with allowing everybody to disseminate them. That led to appointment of the Subcommittee which reported yesterday.

After Past Commander Colmery read his 11-page report to the Committee, it was adopted with vociferous approval by the hundred odd members present in the Federal Room of Hotel Statler. There was a mild thunder of ap-



plause. There was no dissent and no discussion. Actually, the resolution adopted shoved the resolution back into the lap of the Americanism Committee of the Legion at the annual convention in Chicago in September.

### Find It's All Legal

Hidden in the thick, tangled underbrush of legal verbiage in which the report was written was the opinion that Congressman Fish had not done a single thing that was wrong because it was all perfectly legal.

The report pointed out that the postal laws prohibit use of the frank by organizations or associations—not a word about individuals. Therefore, because it was individuals who availed themselves of free mail a la Fish there was no violation of the law. There is nothing illegal about sending bulk mail to an "agent" for remailing.

Further, the report added it did not consider it should pay any attention whatever to the actual subject matter which was mailed.

It confined itself strictly to a phrase of the original resolution which said:

"Guard against the misuse of franking privileges for subversive and un-American activities."

### Views Ignored

The report pointed out the Subcommittee had no intention of considering whether the pre-Pearl Harbor isolationist views of Fish and others were right; whether the America First Committee held proper views or whether George Sylvester Viereck should have been convicted.

The Colmery Subcommittee resorted to a legal subterfuge to discredit the resolution adopted at last year's national convention. It pointed out that, when the resolution was adopted there was no actual "evidence" before it to substantiate the charge that Fish has al-

lowed "certain groups and individuals, including George Sylvester Viereck, and the America First Committee" to use his frank. This, despite the fact that everybody, including the Subcommittee knows that to be a true statement of facts.

The fact that the resolution said that through the use of the Fish frank propaganda "inimical to the United States" was disseminated has no "relation to abuse of the franking privilege" the Subcommittee report declared. The character of the mail should not have concerned the Legion, it added.

### Resolution Criticized

So, it found that as far as the national resolution was concerned "the charge that Congressman Fish allowed . . . Viereck and the America First Committee to use his frank for dissemination of propaganda inimical to the United States has no foundation in fact."

The Subcommittee also took it upon itself to chastise the general body of the American Legion for ever passing the resolution attacking Fish in the first place. The report said that the Legion "should not attempt to solve all the social, economic and civil problems of the Nation. To fiddle around with the problem of what mailable matter should be sent free, and by whom, and what violations have taken place is beneath the dignity and high purpose of our great American institution."

The report makes a point of saying that many "fine persons" adhered to the principles of the America First Committee and views held by isolationist Congressmen before the war and adds that it "compels the conclusion that, although fair criticism may be justifiable, we have no right, in good conscience directly or by inference and innuendo, to impugn the good faith or ascribe any subversive or un-American tendencies to either such person, their point of view or their program. It is unfortunate that we should not have kept our escutcheon untarnished."

So the whole thing will come up again when the Americanism Committee of the Legion considers the report and the adopted resolution in Chicago in September. It is considered very unlikely it will be

railroaded through with the ease and precision which marked its acceptance by the Executive Committee yesterday.

### Legion Ignores Documented Facts

In whitewashing Ham Fish, the National Committee of the American Legion brushed aside a heavily-documented, comprehensive report published two weeks ago by the Americanism Committee of the Legion's Seventeenth District reviewed, in 16 pages, *The Case of Hamilton Fish*.

The California fact-finding body reviewed Fish's record from 1938, the year of Munich, through 1943, when Mrs. Elizabeth Dilling, one of the accused seditionists, was still using his frank.

The report charged:

¶ That Fish allowed his frank to be used by some of the accused seditionists both before and after they had been indicted.

¶ That he obtained 1,708,500 franked envelopes from the U. S. Printing Office during 1940 and 1941 for use of such persons as Gerald Winrod and Prescott Dennet, indicted as seditionists.

¶ That he supplied Leon C. de Aryan, editor and owner of the pro-Nazi weekly, *The Broom*, in San Diego, with franked envelopes.

¶ That de Aryan, through Fish, distributed by frank copies of Fish's remarks advocating amendment to the Sedition Law to make it impossible for the Government to continue prosecution of the alleged seditionists.

¶ That Fish was pro-fascist in the years leading to Pearl Harbor.

The report noted that in 1941 Fish admitted it would be "improper" for a Congressman to permit use of his frank by an organization that was "under suspicion," and concluded with this comment:

"Measured by his own yardstick, Hamilton Fish was guilty of impropriety and infringed the spirit of his franking privilege. Upon all of the facts the conclusion is inescapable that the American Legion resolutions censuring Congressman Fish for misuse of the franking privilege were justified."