

CHAPTER 8

The Un-Americans Upset

While working for the Senate and meeting and talking with those who also worked there, some for many years longer than I had and in work that involved the Congress's activities and responsibilities with which I had no experience and of which I had no knowledge, I learned about little-known and little-used records required to be filed and to be preserved, with public access to them. Among these what I remember most clearly are the records on political income and expenditures required to be filed under the then Corrupt Practices Act. Everyone had access to them.

I started working in them with the intent of writing articles in what I found in them.

I also knew, from personal experience, that the expenditures of both Houses of the Congress's committees are, or then were, required to be freely accessible.

While I do not have knowledge of it, from what I heard I fear that my uses of both of these sets of records led to their becoming much less available.

I was also researching a book on the Dies-led House Committee on Un-American Activities.

Its predecessor was a similar committee headed by Massachusetts' Congressman John McCormack, later long-time Speaker of the House, and by New York Congressman Samuel Dickstein.

I knew both slightly. I also knew slightly the reporter who was involved in their most spectacular hearing, on an actual plot for a revolution to throw FDR out of office. Paul Comly French was then a reporter for the since defunct, liberal Philadelphia *Record*. Of Philadelphia's then reporters he was most trusted by a retired Marine Corps General, Smedley Butler, then Philadelphia's director of

public safety.

I never met French until his career, if not also his life, was ruined by his completely accurate reporting on that conspiracy for a coup d'etat, a putsch, in which he had been involved by Butler. Butler was little understood by the New York financiers who selected him to lead their revolt beginning with his riding to and into Washington on a white horse.

Butler was a vigorous believer in our democratic system of self-government. Those financiers entirely misunderstood him, judging him from what he had had to do as a Marines general.

Butler broke the story through French.

They were both called to testify before the McCormack-Dickstein committee. It created a short-lived scandal. I have not heard anyone speak of that attempt to overthrow the government, an established official fact, in more than 50 years.

For French's unselfish patriotism in lost his *Record* reporting job. His last employment of which I knew was as a writer on an FDR emergency relief project, the Works Projects Administration, the much libelled WPA. He was then officed on the second floor of an old Philadelphia Delaware River dock. (I never knew Butler.)

(Those Philadelphia make-work WPA projects were of great value for the fine monographs over a broad spectrum of national life, particularly as I now remember, about the economy. They were of real value to scholars as they were to the government as the country sought to work itself out of the devastating effects of the Great Depression. I had two relatives employed there and later I met others who had been.)

This is a country in which the wages of loyalty and patriotism can be the fabled wages of sin.

It is also a country in which the context of the message can be held against the innocent

messenger.

Nothing happened to those proven to have plotted to overthrow the government.

But Butler's public career was over and French lost his reporting job and to the best of my knowledge was thereafter unwelcome on all newspapers.

Something to be learned from this?

As did those following it, the McCormack-Dickstein committee also dabbled in, but less intensively, red-baiting.

Careful reading of the expenditures of some of the parties was more than merely interesting. The Republicans, those in the forefront of screaming bloody Red murder, had native and foreign fascists on their payroll.

And then there was the party formed by the Detroit-area Catholic priest, Rev. Charles Coughlin, who had network Sunday night radio broadcasts which were of fascistic nature. He was also openly anti-Semitic. But that was not all that unusual for radio network Sunday night, prime-time coast-to-coast broadcasts. Henry Ford's mouthpiece, W.J. Cameron, plugged and offered Ford paid-for copies of the notorious Czarist fabrications, The Protocols of Zion.

But before I could complete this research and that for the planned book on the infamous Dies committee, continuing it became impossible.

There seemed to be no interest in the Coughlin disclosures in those corrupt-practices records among the reporters and correspondents I knew, including some reputedly liberal. Wanting very much for that inside information on the fascist priest to be known, I told John L. Spivack, a political investigative reporter who seemed to be able to get published in the Communist and left-wing press only. His books did well. He and they had a following. Jack was excited with that information. It

provided a basis for his successful book the title of which was a play on the name of Coughlin's church, The Shrine of the Little Flower. Jack titled his book, At the Shrine of the Silver Dollar.

Coughlin was a determined, fascistic divisive force with World War II already long begun and Hitler murderous and triumphant wherever he went. The Department of Justice wanted to do something about him but with Hoover's FBI, with Hoover's views not all that different than Coughlin's, there was no interest in investigating Coughlin. So Justice had nothing on which to act. As I did not learn until about five decades later, from a friend who in that day had been a Justice attorney, this "new" evidence, new only because nobody was interested in it, gave the Department what it needed to give the Catholic hierarchy the choice between silencing its fascistic radio voice who was not without friends in that hierarchy, or seeing him indicted.

Coughlin complied because he had no desire to be indicted and tried.

With my effort too divided and with its glaringly anti-American record, the Dies gang was of more and more interest to me. Most of those it found "red" were Catholics and Jews. It focused in particular on the labor movement and on prominent practicing Catholics in it. Resorting to cheap semantics to call people red, using words like "transmission belts" and "fronts" to identify those it did not like as red, it found even the child movie star Shirley Temple to be red as a "transmission belt" when she was little more than five years old!

That the Dies-ers were absolutely immune in all offenses, that they had no trouble getting continues with even larger appropriations after such gaffes as calling the child movie star "red," was also a learning experience! They disgraced themselves, the Congress and the country. The response of the papers was to support them and publicize their baseless propaganda, making their authoritarian campaign first acceptable and then popular. The response of the Congress was overflowing love. It

continued to finance and support this blatant official violation of all American beliefs. Its Members vied with each other in praising them even more with each additional rape of traditional Americanism.

That was the real beginning of the nationwide "red" scare and a real impetus to what came to be known as The Cold War. And that was utterly ruinous to our economy and our industry, as the country remains slow to recognize.

Obviously there was much to be learned from this.

Including what is welcome and what is unwelcome to those who have the real power and influence and what, no matter how wrong, is right to them. They had the power to make what was so very wrong and evil appear to be correct, to make that popular, and to make victims of those who brought the truth to light.

They were native Nazis and their drive, their intent, was to change our government in that direction. Some of the practices of authoritarian states they were able to introduce remain acceptable and practiced.

When the Dies gang learned I was interested in it, it got interested in me. It believed that anyone who did not agree with it and its ridiculous, anti-democratic ravings and overtly anti-Constitutional practices had to be red and therefore was.

Nobody was immune from their disgusting slanders. Not even the President's wife.

Coinciding with my interest in the Dies UnAmericans, Pat Jackson's friend Robert Marshall, one of two heirs of a wealthy father, the other a conservative New Yorker, established two foundations. (Bob Marshall, who did not have to work, worked by choice as an engineer in the Interior Department.) One was to promote conservation in forestry. Henry Zon's father, Rafael, Marshall appointed to its board. The other was to promote study of and information about the Dies gang. This

was what Pat knew I was doing, preparing to publish on them.

(It was decades before Marshall's foresight and wisdom, his concern for conserving our natural resources and for not poisoning our environment, became accepted and popular. It was years before the Congress developed the principle and the courage to end this official UnAmericanism of the Dies gang and their successors not the least of whom was the infamous Joe McCarthy. He was visited upon us by the younger Bob LaFollette's abandonment of his father's principles and his and his brother's turn toward native fascism. That is what made McCarthy LaFollette's successor. In those days, incredible as it may seem with Hitler and Mussolini ascendant and their abuses well if far from fully known, Americans who were anti-fascists were condemned as "pre-mature anti-fascists." Those who mimicked them in this country did turn its traditional and basic beliefs around that much that long ago.)

At Pat's request I had given Drew Pearson, then of the most widely distributed expose daily newspaper column, "Washington Merry-Go-Round," some of my information. He used it in an article for LOOK magazine. It and the old LIFE weekly picture magazine then circulated about seven million copies each weekly. They reached many people, were popular, and they were influential.

Not long after that column appeared Pat phoned me and asked me to meet with him in his office. When I got there, a former Interior Department investigator and then a Drew Pearson legman, John Henshaw was also there. Pearson, he said had sent him to us. He knew and could deliver the Washington representative of one of the numerous but small native fascist outfits, one David DuBois Mayne. His outfit was William Dudley Pelley's Silver Shirts. The shirters of various hues modeled themselves on Hitler's terrorist gang's, which were brown.

Mayne stalled delivering what he claimed to have, correspondence linking Pelley with Dies. Meanwhile, claiming also to be a temporary unemployed steamfitter, he panhandled small sums from

me. In the end he did give me some of Pelley's letters. Several of the most interesting were negative photostats. His explanation for giving me photostats of them rather than the originals was that he needed the originals for his own protection. Possible with strange people like him. But when he refused to show me the originals after I drove him home, into the then largely unpopulated McLean, Virginia countryside in the area where the CIA later built its headquarters, and then he refused to show them to me, I began to have questions.

But Pat didn't. Those letters excited him and several Congressmen friends of his. One, the "New Deal" working class Congressman from Michigan's Upper Peninsula, Frank Hook, who really detested what the Dies gang was doing, wanted to use them in a speech on the floor of the House and unwillingly, at his and Pat's insistence, I wrote the speech.

But because of my concern about Mayne's reliability I first questioned him before a court reporter, who was a friend. I then took him to a notary public and he swore to the truth of his answers to the questions I asked and to the genuineness of each and every one of the Silver Shirt letters he gave me.

Hook's speech caused a mild media interest. But it was nothing to what soon followed.

One morning when I responded to a knock on my door a man who introduced himself as a Dies investigator was there. He handed me a subpoena and, saying it was a "forthwith" subpoena tried to con me into believing I had to go with him to that committee's offices immediately.

The imperial demand that I got to that den of native fascists without counsel and without time to obtain counsel reflects their belief in our laws and Constitution. None at all.

I told that man I would appear when I had counsel and to beat it. I closed the door and he left.

Pat also had been served with a subpoena. He started seeking counsel for us from among his

prominent friends, many of whom were prestigious lawyers.

One day when I was working in the Capitol building two of the Dies strong-arm men who had no concept at all of Americanism, grabbed me, one each arm, and took me to a private office I knew was that of the respected majority leader, Sam Rayburn of Texas.

I could have complained, even caused a ruckus. I decided not to and went with them.

The room was overloaded with Dies' Committee members and staff people. They also had a court reporter. Without any order at all they all threw unrelated questions to me from all around that room. We were interrupted only once. In response to that knock someone sent by Rayburn was permitted to take a couple of bottles of whiskey from a cabinet. He then left.

They bombarded me with questions related to my relations with Mayne, in which they were clearly trying to frame me with a felony, and with all sorts of other nonsensical irrelevancies.

When I asked for a glass of water one of them let the hot water run until it was pretty warm. He then handed me a glass of it.

I did not throw it at him. Instead I let them shoot their imagined bolt.

After several hours they just quit and let me leave.

In Pat's quest for counsel I remember being with him one time only. Pat was friends with the eminent Dean Acheson, later Secretary of State and presidential red-seeing advisor in seeking to placate the not entirely anti-Hitler right of both major parties. Acheson was the top lawyer in the prestigious firm Covington, Burling. (And wore spats, even in the summer, that long after men abandoned them.) His lawyer to whom who had directed Pat, Charles Horsky, had the reputation of being a liberal. He listened to Pat, asked almost no questions, and told us we would hear from him. We did soon. Pat's friends would have nothing to do with defending him when he faced jail on an overt

political frame-up.

As we left that prestigious firm's offices then in the Union Trust Building, Acheson himself got onto the same elevator. Pat introduced us and Acheson invited us to walk to the corner of 15th Street and Pennsylvania Avenue, Northwest, a block from the White House. We had no sooner gotten there than a chauffeur driven car pulled up and stopped. Illegally and at rush hour. Acheson opened the back door. He then introduced me to Supreme Court Justice Felix Frankfurter, Jackson's old friend from their Sacco-Vanzetti committee days. After a few words Acheson got in with Frankfurter and the car drove off.

Before we got counsel the Dies gang went public with a false and prejudicial account of how the reds had tried to wreck them but got caught at it. That was a major news story. It was a national sensation, that being the charmed nature of the press already deeply into the national hysteria that later grew into a national fixation that diverted attention from all the many national problems requiring attention and not getting it.

Finally Drew Pearson provided his law firm, the William Roberts firm then in the Transportation Building at 17th Street on the northeast corner with H. And for this very political problem Roberts assigned his expert on international law, Edgar Turlington!

Not at all satisfied with the transcript of their round-robin attempted bludgeoning of me in their effort to entrap me into something they could misuse, the Dies gang asked me to go to their offices and go over that stenographic transcript. That time I felt less uneasy. I knew their transcript did them no good and could hurt them if it was seen. And I did have a lawyer. A lawyer who was adept at getting time to think by complaining about the poor performance of his hearing aid.

But there was not all that much for Turlington to do, there being little the Diesers had from me or

could do with it.

They finally pooped out and let us go.

But they did not quit. Those experts in violating every decent American principle- in the name of their kind of fascistic Americanism- had considerable influence.

First they had a law passed to make it a crime to improperly interfere with any Congressional committee. Having no knowledge of its legislative history I believe nonetheless that "improperly" was not in the law as introduced by those political ruffians.

Then they demanded of the Department of Justice and the United States Attorney for the District of Columbia, David Pine, that we be indicted.

To pressure Pine, they had his confirmation to be a judge on the federal district court for the District of Columbia held up until he got us indicted.

Pine knew me from the time of the committee's Harlan hearings. He then jokingly called me "affidavit face" in a failed Harlan prosecution.

Entirely by accident I was there in the men's room on the third floor of the then only Senate Office Building when a morning session of those hearings ended. I saw and heard Ted Creech, son of the owner of Harlan's Creech Coal Company, threaten a committee witness. So I could confirm the witness, who had complained that he had been threatened.

Those Harlan County tyrants believed that could get away with what they did down there anywhere in the country, even the nation's capital. And they were right!

Yup, that jury was fixed, too, and in the same way, apparently.

Pine did not handle me before the grand jury himself. He assigned an assistant, Ed Fihelly.

Then the FBI asked me to come in. Two agents questioned me and then wrote out in longhand

the statement they wanted me to sign. I read it, it was false and incriminating, and I refused to sign it. I told them if they gave me a truthful account of what I'd said I'd sign that but not what was not true that they had made up.

They would not let me leave.

So, I just sat there. There was not much they could do. I now think they did not hold out very long because they knew there was nothing they could do. But it then seemed like a long time to me. They opted to save face. I had nothing heavy on for approaching night. I told them that although I would sign a statement faithful to what I had said I would not sign it without the advice of counsel.

That made Turlington late for supper.

I signed a truthful statement. They not only had no use for it, it no longer exists in the carefully culled file the FBI kept that under FOIA PA it gave me after years of stalling.

Fihelly started calling us before the grand jury. He had little choice but to play the Dies/FBI game. I had, as I saw it, no choice at all, to be firm by vigorous in destroying all their fabrications.

Pat's friends, you know, in the Department of Justice, friends like Dean Acheson was his friend, kept assuring him that the fix was in, that Dies and his ilk were detested, and that they wanted to inflict a body blow on him and his. Only they also told him and Turlington that by my behavior I was ruining the possibility.

Lawyers are not permitted to accompany their clients before grand juries. So it was my word against all those great and loyal-to-death friends of Pat who were doing their best, actually, to get us indicted for a non-existing crime.

I kept apologizing to Pat and Turlington for forgetting and sometimes losing my temper, which was what they apparently had been told. I promised to be a good boy and didn't change. I was not

defending myself. I was attacking all the Dies gang who were relevant and Mayne as their agent.

Of that I actually had proof!

The first thing I did after seeing Jackson the morning the subpoena was served was to seek a means of using the public availability of the committee's filed records of expenses. There were no xeroxes in those days and if there had been I would not have been able to pay for xeroxing all those records. But I was able to have three typists, with their own upright typewriters, move into the office of the clerk of the House, a man named Shanks, and in three weeks I had a typed copy of each and every piece of paper Dies filed to get repaid or to get bills paid.

And lo! there was Mayne, day after day, paid at a daily rate for those days for being a "witness" at hearings the committee did not hold!

I never let the grand jury, most of its members government employees, forget that when Mayne executed what were forgeries, those photostats, he was working for Dies. And that he was in Dies pay when he swore to their genuineness.

In addition, I had an excellent Mati Hari- my wife!

Before we met she had dated the lawyer who then was of all improbable things Mayne's lawyer. He was a decent man, but perforce was in on the fix to indict us for no crime at all. He knew the truth and I suppose he was certain that Dies would keep Mayne out of jail.

The late Dennis Hallowell invited my wife to come to his office. While they were chatting he shuffled some papers rather conspicuously. When he saw that had caught her attention he excused himself, saying that he had just remembered something required his immediate attention. It would take at least 15 minutes but probably not much more time, if any. Would she please be comfortable until he returned? There was more he'd like to discuss with her.

As soon as he left the office she read those papers and they spelled out that the scheme was to indict Pat and me by hook or by crook while pretending to be our protectors.

Those many long days before the grand jury were difficult. It was obvious that powerful people were trying to jail me for a nonexistent felony. Knowing that, particularly after I knew all I needed to know about the chicanery through my wife, was all I required. Not once did I admit to anything I had not done and not once did I miss any chance I saw to drive home to that grand jury that Mayne, Dies paid agent, had sworn falsely. That is perjury.

There was an odd twist to what those Congressional scoundrels and their miscellaneous pals in Justice cooked up.

They alleged that the small sums Mayne panhandled from me, about \$100 in all, is what I paid Mayne to execute those forgeries.

That kicked back as it should have!

By the time Fihelly and the grand jury could think of no more to ask or do, the grand jury had to decide.

There was no basis at all for charging Jackson or me with anything wrong. We had done nothing wrong. We had been entrapped and then framed by the Congress through its agent, Mayne.

When it was all over, the grand jury was determined to charge Mayne, not Jackson or me. They refused to indict us.

But they charged Mayne with two felonies, for uttering and forging and obtaining for money under false pretenses!

Although he was not in a position to utter a word, Mayne could have blamed the Dies gang for the second charge because they claimed that I had paid him to execute the forgeries with the small sums

he had panhandled for claimed immediate need. But they had paid him to "utter" the forgeries, a felony.

The grand jury saw that as Mayne getting money under false pretenses!

There is little doubt that the perjury charge also was the responsibility of the Dies gang. They had to have told Mayne to swear falsely when he told them I would go no farther with him if he would not attest to the truth of what he said.

Not only did the grand jury refuse to indict Pat and me when it did lay those two felony charges on Mayne. It compelled Dies to acknowledge this in order to keep Mayne's mouth closed. He could have defended himself by alleging what I had proof of, that in what he did he was the agent of the devious committee. Dies did not want that spelled out, of course. So he interceded. Whether or not there then was another deal, two things that followed are what served Dave Pine's interest. Dies appeared before the court to make a plea for mercy and consideration for Mayne. Pine agreed for Mayne to get two concurrent two-year sentences, with the sentences suspended. He did not have to and he did not serve a day. And suddenly all opposition to Pine's appointment as the United States Attorney for the District of Columbia was withdrawn and his nomination was approved.

All that got any attention in the papers was the grand jury's refusal to indict us, its indictments of Mayne and the hearing at which Dies copped the plea for his minion, Mayne.

That night there was a celebration.

What a party some of those members of Congress threw for me at the Madrillon Restaurant that night and after it closed, into the morning!

Frank Hook, who had been imposed upon by his fellow Members, sang two songs to me, parodies of popular songs of the day.

One was "Starnes Fell on Alabama," the other was "The Dies of Texas Are Upon You!"

(Joe Starnes was Dies' vice chairman.)

It was, of course, a victory party.

It was a defeat and an unprecedented defeat for those who would have enjoyed fame and fortune under Hitler or Stalin.

The actualities rubbed it in even more. Dies did not dare let Mayne get sentenced to jail. That would risk having him talk. So, in public, in open court and reported, Dies copped a plea for him, two years, but with the sentence suspended. Mayne did not go to jail and if he talked, he did not talk in public.

There are a few epilogues. the forgoing does not exhaust what I learned from that official corruption that, so far as I know, is unprecedented. As was getting a Dies agent convicted of felonies.

About three years after the Dies plea bargain I was visited by an FBI agent from its Albuquerque field office 2,000 miles or more away.

He wanted to speak to me about a security investigation the FBI was making. It was the security of a steamfitter at one of the most secret atomic installations- David Mayne!

It was insane! I was aghast!

I asked him if they knew Mayne was the Washington representative of Pelly, the would-be Hitler who believed as Hitler did and praised him.

Yes, they knew that.

Do you know he is a felon? I asked.

Yes, they knew that.

Well, I said, if that leaves any question in your mind about "security," I can't think of anything I can tell you that could make any difference.

That investigation was not of Mayne's application for the job. He already had it and was working with what was as secret as anything we had!

Some months after it all ended, after David Pine had been confirmed as a federal judge, Fihelly phoned and invited me in. He handed me a legal-sized manilla envelope that held about three quarters of an inch of legal-sized paper.

"You may want this for your protection sometime," he said, as he handed it to me.

That envelope held the volume of the grand jury transcripts that includes Martin Dies testimony about me as well as the Senate's testimony about my departure from the Senate Civil Liberties Committee. What Dies testified to amounted to nothing against me at all. The Senate's witness, David Demarest Lloyd, was the committee's assistant general counsel. He testified that contrary to what the Dies gang had alleged, I had leaked nothing, had nothing to leak, and that no Communist paper was involved in it in any event. His actual testimony is that I had done nothing wrong at all.

(Lloyd was later in the Truman White House and after that headed the Truman library established in Independence, Missouri.)

What is in the grand jury's transcripts was not made public.

Legally, what Fihelly did was then wrong. But morally and ethically it wasn't. It was the right thing to do. Now a record of the truth exists outside the government's files nobody ever looks at if they were not destroyed. Fihelly could have been subject to severe sanctions for a simple act of decency. He understood very clearly that what he had had to do was legally, morally and ethically wrong, as I understood that he had to do it. Later he was a Tokyo war crimes prosecutor. From the rough time he gave me those many days before that grand jury he must have been a fine prosecutor, here and in Tokyo.

Anyone researching the newspapers of the days of the Dies superspectacular will read the lie about my firing. What I have never forgotten is not only that that well-publicized lie is available, disproof of it is not. Any person doing that research has every right to believe the published official lie and no reason in what he can see not to.

There is an incredible twist to all of this.

As I continued working on the Hill from time to time I would encounter Dies and Starnes in the corridors. They acted like my oldest and dearest friends! They put us immediately on a first-person basis and almost never forgot to put their arms around me!

They were friendly, pleasant, often laughed, Starnes more often and more easily than Dies!

Simply heinous!

When all this frightening and frightful experience was over, I was able to get back to writing.

But who could forget that decent men in authority could be compelled to do what was evil and what they did not want to do, what they knew was wrong?

Or how easily one can be framed?

This was not my last such experience by any means!

Nor was it my last experience with men who are not decent men doing what they knew it was wrong for them to do.

There is a big difference between an academic awareness of the possibilities and living them, living them on a frame-up with an unjust jail sentence looming.

I have no doubt that it made me less unwilling to believe it was possible that Oswald had been framed when I wrote my first book.

The evidence accumulates that he was framed.

Saying that those who research the newspapers of the time of that Dies more modest aping of the specialty of the Gestapo and the KGB would get only the incorrect account of my "firing" does not in any sense justify those who for their own purposes published that while I was alive. They could, and should, have asked me about it. This is particularly true of Harrison Livingstone and Gerald Posner. More about both later. Both knew me. Both were here, Posner once for three days and Livingstone many, many times. I am certain I discussed this with Livingstone and while I am not certain, I believe I discussed it with Posner. There is no reason consistent with honesty and decency of purpose for them not checking what they wrote about me to determine, if they did not recall discussing it with me, whether what they wrote is fair and truthful. There is even less excuse, of course, if they did know the truth and just suppressed it to defame me.

But then maybe they are not the kind of men who are high on Grapes of Wrath and what it reports that was and remains a great national tragedy.

From Posner's Case Closed (Random House, New York, 1993) he is not that kind of man, from his own political beliefs as he expresses them in that book. (See also my Case Opened, Richard Gallen/Carroll & Graf, New York, 1994. As published, that book is less than half of the detailed and documented analysis and commentary of Posner's most successful of the exploitations and commercializations of the JFK assassination. He is, so to speak, the industry leader.)

For a young man this was the equivalent of earning a Ph.D. in Frame-Ups, Sinister Forces and Dirty Politics, with a minor in survival!!!