

Mr. Jonathan Yardley
The Washington Post
1150 15 St., NW
Washington, D.C. 20071

7627 Old Receiver Road
Frederick, Md. 21702
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Dear Mr. Yardley,

In your today's review of the Dreiser biography you refer to his amatory successes. One of which I know but have not seen published subjected him to criminal charges.

In about 1938, when I was the editor of the Senate Civil Liberties Committee, I was borrowed by the Department of Justice to assist it, particularly with duces tecum subpoenas, in its "Bloody Harlan" conspiracy case, in the law books as U.S. v Mary Helen et al. (Mary Helen was a mine corporation, first named in the indictment of more than 60 corporations and deputized gun thugs.) The late Senator Brien McMahon, father of The Atomic Energy Act, then head of the Criminal Division, headed the prosecution. One of his top assistants was Welly K. Hopkins, who became chief counsel for the United Mine Workers union, as it happens, on my recommendation. That prosecution of those responsible for wholesale murders and other acts of violence and intimidation in the Harlan County, Ky., mine fields ended without conviction. I think the jury was hung and when I learned how it had been "fixed" I returned to my Senate duties before it ended.

Unlike others in the official party, mostly Criminal Division lawyers and FBI agents, I was not inhibited in my local contacts. From one or from some I heard this story about Drieser's trip to Harlan in about 1935 or 1936 to work on a magazine expose of what was later prosecuted. This was a remarkably courageous thing because the protected murderers were indiscriminate in their violence. They bombed a prosecutor to death and tried to kill John L. Lewis's representative by bombing his hotel room.

Drieser was staying in a hotel in Pineville, county seat of Bell County, immediately to the west of Harlan County. He had a woman with him and the local authorities, who differed slightly in degree from those in Harlan, visualized a Mann Act case against him, from transporting a woman across state lines for immoral purposes. Their problem was how to get the evidence.

They decided that they would watch his room to see if the woman left it and if she did not, they'd put a toothpick against the door. If it was still standing in the morning they'd have their case. It never fell over and they charged him.

In his trial his defense was that the woman was his ~~secretary~~ and he could not commit any illegal act because he was impotent. He was acquitted.

When those of us in the Mary Helen case moved from Harlan town to London, Laurel County, seat of the federal district court, for the trial, there was a large influx of reporters, some then prominent, to cover the case. The New York Times' Ray Daniell rented a house and we frequently partied there.

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One night I told the story of the Dreiser prosecution. Ray burst out into long-lasting slaughter as soon as I finished the story and when he stopped he added this to it:

"So sooner had the story of ~~Ray's~~ Dreiser's defense of impotence been published by the Times ~~xxx~~ than it was flooded with phone calls from irate women, all of whom insisted on anonymity, all ~~xxx~~ protesting that the Times had libelled Dreiser - and to have personal knowledge.

If you knew George Nixon when he was a Post columnist, it may interest you to know that only one day after the New York Daily News reporter at another party had referred to J. Edgar Hoover as a homosexual he was yanked and Nixon replaced him. In those days George wore his thick, curly hair quite bushy, like cartoonists liked to draw ~~anarchists~~ ^{anarchists}. He was regarded as one of the more radical of the reporters and not at all religious. It was a joke that he found quarters, I think with a preacher, whose home was at Sublimity and Divinity Streets.

If you are old enough and ~~xxx~~ were in Washington at the time, you may have known J.M. McInerney, who had headed the Department of Justice's Lands and then its Criminal Divisions. In those days he was an FBI agent, in charge of the detail of agents sent to help with the investigations.

Sincerely,

Harold Weisberg
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