AN EVALUATION OF THE HOUSE UN-AMERICAN ACTIVITIES COMMITTEE
WITH CONCLUSIONS AND RECOMMENDATIONS
AS TO ITS FUTURE VALUE

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CHAPTER I

INTRODUCTION

Congressional investigating committees have a tendency to become the center of heated political strife. Often the attacks are directed at the investigative process itself rather than the subject matter of the inquest. The denunciation of the Caraway Committee on lobbying as "ostensibly a legislative committee, in reality a composite detective agency, grand jury, prosecuting attorney, judge, and public hangman,"\(^1\) has been reechoed many times.

As a Senator, the present Justice Black wrote that public investigating committees have always been opposed by groups that seek or have special privileges, for special privilege thrives in secrecy and darkness and is destroyed by the rays of pitiless publicity.\(^2\)

The investigating power is one of the broadest powers of Congress. It has been said that the full scope of the inquisitorial power of each House of Congress is not yet known. McGeary believes that the law permits the conduct of inquiries in an area about as wide as the legislators may

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\(^2\)Hugo Black, "Inside a Senate Investigation," *Harpers Magazine*, CLXXII (1936), 286.
wish, especially if a legislative intent is expressed in the authorization.³

The greater number of the investigations of the past have been conducted for the purpose of obtaining information relating to the drafting of laws. The investigation may be made for the purpose of determining if any legislation is desirable.

Investigations may sometimes spring from the efforts of a member of Congress to obtain popularity. The benefits actually received by an individual investigator have probably been overestimated in the public mind. Nevertheless the hope of favorable publicity has undoubtedly spurred many a congressman to undertake an investigation. Many an investigation, on the other hand, has begun in good faith only to be later taken advantage of by an ambitious and/or unscrupulous chairman. Still others have resulted from the action of individual Congressmen who, regardless of personal gain, have battled for a "cause."

Probably the greatest fault found by critics of Congressional investigations is their methods and procedure. Such committees are armed with the weapons of the courts, but recognize none of their limitations.

The investigating committee combines the functions of inquisitor and arbiter, frequently hostile to the witness and interested far more in the possible answer than in the rights and feelings of the witnesses, operating under its own rules and without any definite limits. It requires no elaborate exposition to show that abstract definitions of the rights of the witness do not afford him much practical comfort or assistance. It is within the power of the examiner to insult and harry, upon the witness stand, men whose only offense is that they disagree with the examiner. In an actual study of the methods followed by investigating committees . . . it was found that no standards of evidence with respect to relevance of documents and competency of witnesses exists save those which committees impose on themselves from time to time. In this respect investigating committees are really unique. 4

In the long run the value of public investigations depends primarily on the moral support of public opinion. Hence the value of public investigation will be reduced when public opinion stimulated by their revelations is deflated by the outrage over their methods. As Frankfurter observes, "a good deal must be left to the standards Congress imposes upon itself and its committees, a good deal must be left to the newspapers to report fairly and not sensationally, and a good deal must be left to the good sense of the people." 5

The legal basis of the power of inquiry was developed by the Supreme Court in McGrain vs Daugherty. 6 The Court held that the power of inquiry, with processes to enforce it, was an "essential and appropriate auxillary to the legislative

4August R. Ogden, The Dies Committee, p. 10.


6273 U. S. 135.
function." The decision pointed out, however, that neither House of Congress was vested with "general" power to inquire into private affairs and compel disclosures but only with a limited power of inquiry as required for Congress to exercise the powers granted to it. If the presumption could be indulged that the aim of the inquiry was to aid in legislation, then its legality could not be questioned.

Few investigating committees have had a more spectacular career than the Special House Committee for the Investigation of Un-American Activities. The purpose of this study is a critical examination of this Committee with emphasis on its methods, procedure, and worth. The subject matter of this Committee, subversive activities, and the investigative process itself warrants careful and serious attention. For the democratic way of life can be preserved only to the extent to which democratic processes of government are preserved. As an instrumentality of the democratic process, the investigating committee has become increasingly important in the last few years. The study of this single committee in action illustrates the fundamental principles that must underlie an honest investigation as well as possible abuses.
CHAPTER II

A SHORT HISTORY OF CONGRESSIONAL INVESTIGATIONS
OF COMMUNISM, PROPAGANDA, AND
UN-AMERICAN ACTIVITIES

Scarcely had the Communistic experiment begun in Russia than it began to find ardent supporters and opponents in the United States. A meeting in Polis Theatre in Washington on February 2, 1919 in favor of Soviet Russia seems to have been the starting point for the first Congressional investigation of Communism, or rather, of Bolshevism, as it was more commonly referred to in 1919. The newspapers gave rather alarming accounts of the meeting and on the following day Senator Edward C. Thomas of Colorado rose to speak against this particular meeting as well as any other of a similar nature.\(^1\)

On February 4 Senator Frank B. Kellog of Minnesota spoke on the dangers and prevalence of Bolshevism, as did Senator Lee S. Overman of North Carolina. Then Senator Thomas J. Walsh of Montana asked unanimous consent for the adoption of Senate Resolution 439, which extended the authority of Senate Resolution 307 to investigate:

\(^1\)Cong. Rec., 65th Congress, 3rd Session, Feb. 3, 1919, p. 2606-7. (For brevity hereafter cited i.e. CR 65-3, Feb. 3, 1919, 2606-7.)
any efforts being made to propagate in this country the principles of any party exercising or claiming to exercise authority in Russia, whether such efforts originate in this country or are incited or financed from abroad, and, further to inquire into any effort to incite the overthrow of the Government of this country, or all governments, by force or by the destruction of life or property, or the general cessation of industry.²

At the same time Senator Miles Poindexter of Washington introduced Senate Resolution 437, calling on the Attorney General to investigate the meeting in Polis Theatre on February 2, 1919, and in the old Masonic Temple of February 3, 1919, and to show what steps had been taken to enforce the laws of the United States.³ This was carried over and agreed to on February 5, 1919.⁴

The meeting also had aroused interest in the House. Representative Percy E. Quin of Mississippi denounced it in no uncertain terms, declaring that he objected to "this damnable, slimy, dirty doctrine" and that there was an "organization going into every precinct in the Nation, with the intent and purpose of scattering that kind of doctrine to overthrow the Government."⁵ Nothing was done, however.

The report of Attorney General T. W. Gregory in reply to Senate Resolution 437 showed that little, if anything, was amiss at the meetings. The Attorney General stated that

⁴CR 65-3, 5, Feb. 1919, 2730.
he had had representatives at the meeting on the second, and that he had a full account of the meeting on the third. Evidently there had been no radical talk of overthrowing the Government as claimed in the resolution and the Attorney General could report nothing.

He said he would appreciate it if the Senate would transmit to him the evidence on which the statement was based.⁶

No such evidence was ever produced. Yet out of this insignificant meeting which was overpublicized the first investigation of Communism was created.

Meanwhile, the subcommittee of the Senate Committee on the Judiciary consisting of Senators Lee S. Overman of North Carolina, Knute Nelson of Minnesota, William H. King of Utah, Josiah Wolcott of Delaware, and Thomas Sterling of South Dakota, held its first hearing on Communism on February 11, 1919. Overman was Chairman and Major E. L. Humes of the Judge Advocate General's Office served as counsel.⁷ In all seventeen public hearings on Communism were held.

The recommendations of the Committee had little connection with the hearings on Bolshevism themselves, since they were concerned primarily with Russia and its form of government. The Committee asked for legislation:

1. To force the disclosure of the political and financial influence behind newspapers. 2. To control and regulate

the foreign language press. 3. To supplant and take the place of the so called "espionage" act of June 15, 1917 as amended May 16, 1918 before the signing of a peace treaty would bring about the cessation of the act. 4. To require publication of the support behind organizations so that the public would not be deceived. 5. Peacetime regulation of the use of explosives, weapons, etc.

All members of the Subcommittee signed the report, but Senator King added that he joined in the report although not in full accord with the recommendations. 8

The House did not show much interest in either the hearings or the report. During the course of the hearings, Meyer London, Socialist Representative from New York attacked them by claiming, as has been done so many times since then in Congress, that the denunciations of Bolshevism were merely conservative reactions to any progress.

Mr. Chairman, the spectre of Bolshevism is haunting the world. Everybody—statesmen, business men, preachers, plutocrats, newspaper editors—keeps on warning the world that it is about to be destroyed by Bolshevism ... But the worst of it is that every movement, every new idea, every new suggestion, every new thought that is advanced is immediately denounced as Bolshevism. It is not necessary to argue anymore with a man who advances a new idea: it is enough to say, "That is Bolshevism." 9

The Senate was foremost in investigating subversive activities up to 1927. In that year Representative John B. Sosnowski

8CR 65-3, June 16, 1919, 3639.
of Michigan made a long speech on the Communistic menace and
had printed numerous documents referring to the dangers of
Communism. The Resolution he introduced to provide for an
investigation of the Communists in the United States was
never reported out from the committee, and since Sosnowski
did not return to the House the following year the proposal
was not reintroduced.

In 1930 there was a renewal of interest in the subject
of Communism in the House. Early in that year several bills
were introduced providing for investigations of Communism but
none were reported from Committee until May 12, 1930 when
Representative Bertrand H. Snell of New York presented a privi-
leged resolution from the Committee on Rules, House Resolu-
tion 220, calling for an investigation of Communistic propa-
ganda. The bill was reported on May 22. It provided for
an investigation of Communistic propaganda, especially in the
schools; the membership of the Communist Party and all affili-
ated parties; the ramifications of the Communist International
in the United States; and the Amtorg Trading Corporation,
the Daily Worker, and all groups which taught or advocated
the overthrow by force or revolution of the government of the
United States."

\[10^\text{CR 69-2, Feb. 23, 1927, 4582-4604.}
\[11^\text{CR 71-2, May 12, 1930, 8810-11.}
\[12^\text{CR 71-2, May 22, 1930, 9390.}
Representative C. W. Ramseyer of Iowa opened the attack on the bill by stating that there was no need of such a resolution when far greater economic problems cried for solution. He said that the investigation was sort of a witch-hunt, and that unrest was caused by economic conditions and not by idealists and radicals.13

In reply, Hamilton Fish, sponsor of the original bill, said that he had not volunteered to solve the unemployment problem. He revealed one of the purposes behind his proposal when he said that, "It is not the purpose of this resolution to interfere with any group except the Communists in the United States and we propose to deport all alien Communists."14

Snell then took up the defense of the bill and concluded by saying that "there is one thing that is mighty sure, it is an American resolution and no true citizen need have any fear of the results." Ramseyer then demanded a division on the question and the vote was 210 for and 18 against.15

The Chair appointed Fish of New York chairman of the special committee, together with John E. Nelson of Maine, Carl C. Bachmann of West Virginia, William J. Driver of Arkansas and Edward E. Eslick of Tennessee.16

Hearings began on June 3, 1930 and continued until December 18. They covered a wide range of territory and witnesses. For the general study they followed no set plan.

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13Ibid., 9391-92. 14Ibid., 9395. 15Ibid., 9396. 16CR 71-2, May 28, 1930, 9771.
Information was collected on the activities of the Communists in strikes and in industry; the Daily Workers, the American Civil Liberties Union, the International Labor Defense, the Garland Fund, and the Amtorg Trading Corporation. Most of the witnesses were opposed to Communism, and only at the end of the hearing were a number of the Communist Party leaders subpoenaed. A curious feature of the hearing was the fact that large part of the testimony consisted of comparatively brief statements accompanied by long and ponderous documents... It is estimated that the hearings of the Fish Committee contain no more than twenty per cent of actual testimony, and that the rest consists of documents volunteered by the witnesses.17

The recommendations were numerous.

The Committee proposed: 1. The creation of a special section of the Federal Bureau of Investigation to investigate subversive activities and to watch individuals. 2. New immigration laws to keep out or deport alien Communists. 3. More funds for the Bureau of Immigration to handle deportation cases. 4. Amended naturalization laws to forbid the naturalisation of Communists. 5. The denial of reentry into the United States of any alien going to Russia to study Communism. 6. Amended post office laws to prohibit the sending of Communistic literature. 7. Amended interstate commerce laws to prohibit the sending of any such literature from State to State. 8. Enactment of federal laws to prevent Communists spreading false rumors which might cause runs on banks. 9. The restriction or the elimination of the use of secret code by any government (or its trade agent) with which the United States did not

17 Ogden, op. cit., p. 24.
maintain diplomatic relations. 10. Action by the Department of State to obtain permission for Treasury agents to go to Russia to study the use of forced or prison labor in the pulpwood and timber cutting districts of Russia in order to determine whether these objects should be excluded. 11. Like action for other articles imported from Russia. 12. That the Communist party be declared illegal as well as any party advocating the destruction of our government by force. 18

The proposals were very drastic, some of them wildly impractical, as the suggestion of sending agents to inspect the internal affairs of a country which we did not even recognize. By and large the report of the Fish Committee is an amazing document, and one finds it hard to take it seriously. Jerome Davis characterized the proposals of the Fish Committee as liable to be "far more dangerous to liberty and freedom than the pitiful handful of Communists in the United States have ever been." 19

Nelson's minority report is much more sensible and practical. He recognized the magnitude of the Russian experiment and the fact that it constituted a challenge to our capitalistic system. He asked for sane thinking.

Meanwhile much that we hold dear and sacred is under attack and it is difficult to view affairs in Russia with reasonable detachment. This is the time, however, not

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for hysteria, but for constructive thinking and wise action.

His conclusions show very balanced judgment.

These facts disclose much of organization and sinister purpose, but nothing startling or particularly menacing as regards actual results... Communism thrives during periods of economic depression and social suffering. We are passing through such a period... yet Communism has made no material headway among our people... While Communism presents no instant national threat, yet it is working serious and most regrettable injury here in America... Public welfare demands that we take all proper steps to curb and eradicate these evils... we should proceed to put needed reforms into effect sanely and sensibly, without hate, or haste, or hysteria. Freedom should be the rule in America rather than restrictive legislation, we should approach with reserve the consideration of any criminal statutes that seed to fetter the operation of the human mind or to encroach in the slightest degree on those rights guaranteed in our Constitution to the lowliest individual in the United States. 20

A regular flood of bills was introduced at the first session of the 72nd Congress to combat Communism. Of these only the bill H.R. 12044, introduced by Representative Martin Dies of Texas, received any attention. With it Dies began a legislative career opposed to subversive influences which was ultimately to win him nationwide fame and the chairmanship of the most important committee ever created to investigate such activities. Dies, Blanton, and Fish all spoke in favor of the bill bringing the rejoinder from La Guardia, that the next thing that they would resort to would be a bill to authorize witch-burning. 21 Yet, despite his opposition, the bill was passed. 22

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20 Ogden, op. cit., pp. 28-29.
21 CR 72-1, June 6, 1932, 12098-106. 22 Ibid., 12108.
The bill was reported to the Senate Committee on Immigration and reported from it without amendment by Roscoe C. Patterson of Missouri and Henry Hatfield of West Virginia. Yet on June 27 when it was announced as next in order, it was objected to by Robert M. La Follette of Wisconsin and had to be passed over. No further action was taken on it.

In the following session Dies reintroduced his bill against alien Communists, but it was not acted upon.

Meanwhile, Hitler's rise to power had disturbed many and a new element entered into the opposition of subversive influences. One of the first resolutions offered in the second session of the 73rd Congress was House Resolution 193 offered by Representative Dickstein of New York providing for an investigation of Nazi and other propaganda activities. Representative Cox of Georgia reported it from the Committee on Rules on March 20, 1934 saying that the Committee was unanimous in agreeing that the investigation was necessary.

Representatives Boileau of Wisconsin and Carpenter of Nebraska spoke against the resolution saying that the Germans of their districts would resent the investigation. Representatives Sweeney of Ohio and O'Malley of Wisconsin took issue with this and expressed surprise on hearing members speaking.

\[23\text{CR 72-1, June 11, 1932, 12655.}\]
\[24\text{CR 72-1, June 27, 1932, 13903.}\]
\[25\text{CR 73-2, Jan. 3, 1934, 13.}\]
\[26\text{CR 73-2, March 20, 1934, 4938-40.}\]
of representing special groups. The final vote was 168 ayes to 31 noes. 27

The sum of $10,000 was appropriated for the Committee. The Speaker appointed Mr. McCormack as chairman of the Committee and Dickstein, Weidemann, Kramer, Jenkins, Taylor, and Guyer as members. 28 After two months, finding the amount appropriated insufficient, McCormack asked for $40,000 more. On the Committee of Accounts' reduction of the amount to $25,000 McCormack stated that he was personally indifferent as far as the money was concerned, but the amount asked was the minimum needed to make a thorough investigation. Since the Committee wanted evidence and not merely opinion, he thought it absolutely necessary to employ investigators and counsel. 29 The amount of money was not raised, however.

In its hearings the Committee adopted a very wise procedure. All witnesses were examined in executive session and then only, if it were deemed necessary, were public hearings held. This eliminated much useless publicity and prevented the Committee from becoming a sounding board for fanatics of any type, as too often happened in other investigations of a like nature. There were twenty-four of the executive hearings at which it was determined if the witnesses had information that was reliable and germane. 30 Throughout the hearings McCormack sought to keep the proceedings on a high plane . . . When Dickstein was in sole control of a subcommittee of one, he apparently operated on the theory of the "Caraway

27Ibid., 4940-46. 28CR 73-2, April 5, 1934, 6161.
29CR 73-2, June 11, 1934, 11069.
30There were only seven public hearings. The Record of the other hearings has been sealed in the Library of Congress and can be made available only by an Act of Congress.
school" of securing an answer by calling witnesses' names, threatening them with a jail sentence for contempt, and then ordering them to answer the question. . . . This was certainly true of the verbal battle he waged with one Healey of Healey's Irish Weekly and a foe of the Communists. Such treatment was never forced upon witnesses when McCormack presided. 31

The report of the Committee was submitted on February 15, 1935. 32 It had sections on Nazism, Fascism, Communism and other organizations. The Committee found that most Germans in the United States were loyal. They found the Nazi youth camps to be pro-Hitler and anti-American, but the adverse publicity had tended to lessen their effectiveness.

As for Communism the Committee declared that the Communist party was merely a branch of the Third International and found that Litvinoff had not kept the pledge he made at recognition, to refrain from any communistic meddling in the internal affairs of the United States. The Committee believed that Communism was not strong enough to harm American Institutions at that time, but its growth did present a definite danger to the country.

The recommendations of the Committee were a rather logical attempt to solve the problem.

The Committee proposed: 1. That the Congress should enact a law requiring the registration of all publicity, propaganda, or public relations agents, or other agents who represent

31 Ogden, op. cit., pp. 34-35.

a foreign country. 2. That the Congress should give the Secretary of Labor authority to shorten or to terminate the stay of any visitor admitted to this country under a temporary visa, if such visitor engaged in propaganda. 3. That the Department of State and the Department of Labor should negotiate treaties by which other nations would receive back their nationals liable to deportation. 4. That the Congress should make it unlawful to advise, counsel or urge any member of the military or naval forces, including the reserves, to disobey the laws or regulations governing such forces. 5. That Congress should enact legislation so that United States Attorneys outside the District of Columbia could proceed against witnesses who refuse to answer questions, refuse to produce documents or records, refuse to appear, or hold in contempt the authority of any Congressional investigating committee. 6. That the Congress make it unlawful for any person to advocate changes in a manner that incites to the overthrow or destruction of the government of the United States or the form of government guaranteed to the States by Article IV of the fourth section of the Constitution. 33

Two of these recommendations were finally enacted into law. That dealing with the registration of foreign agents came in the period covered by another chapter and will be covered later. Representative John E. Miller of Arkansas

33Ogden, op. cit., pp. 36-37.
introduced the bill which embodied the Committee's recommendation on procedure and by which Congressional Committees sitting outside the District of Columbia were given the same authority to subpoena records and to deal with uncooperative witnesses, as was already possessed by committees in the District. The bill passed both Houses on June 18, 1936, and was signed by the President July 13, 1936.

McCormack had done a good job, if we take into consideration the amount of money allotted the Committee. From this time on the spotlight was destined to play more and more on the figure of Dies as the agitation continued and grew on the subject of the investigation of un-American and subversive activities.

34CR 74-2, June 18, 1936, 9860.
CHAPTER III

THE COMMITTEE UNDER MARTIN DIES:

1938-1940

On May 13, 1932 Martin Dies introduced H. R. 12044 to combat Communism. On June 6, 1932 the House, after a battle, passed the bill. The Senate did not enact the bill into law.¹ Even though the bill was not enacted into law Dies had accomplished what few others had done in getting it passed by the House. Dies continued to introduce bills of a similar nature, but it was not until he introduced H. R. 282 on June 21, 1937 that he made any headway.

On May 10, 1938 Dies submitted the report on H. R. 282 from the Committee on Rules. The final fight was on. The first section of the Resolution set forth the purpose of the proposed investigation.

Resolved, that the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee to be composed of seven members for the purpose of conducting an investigation of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by the Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.²

¹Cf. Chapter II.
²CR 75-3, May 10, 1938, 6562.
Dies opened the debate on May 26, 1938 by remarking that the investigation was not directed at any one race. He further asserted that he had no intention to abridge the individual rights of citizens of the United States to express their honest convictions and enjoy freedom of speech. In speaking of the publicity value of such a Committee, Dies said:

Let me say to the gentlemen that I believe that all depends on the way that the committee is handled. I can conceive that a committee constituted or composed of men whose object is to gain publicity, or whose object is to arouse hatred against some race or creed, might do more harm than good. On the other hand, investigations have a useful purpose . . . [and] I do know that exposure in a democracy of subversive activities is the most effective weapon we have in our possession. Always we must keep in mind that any legislative attempt to prevent un-American activities, we might jeopardize fundamental rights far more important than the objective we seek, but when these objectives are exposed, when the light of day is brought to bear on them, we can trust public sentiment to do the rest. 3

After considerable debate the Resolution was passed by a vote of 191 ayes to 41 noes. The Chair, on June 6, 1938, appointed Martin Dies of Texas as Chairman, Arthur D. Healey of Massachusetts, John J. Dempsey of New Mexico, Joe Starnes of Alabama, Harold D. Mosier of Ohio, Noah M. Mason of Illinois, and J. Parnell Thomas of New Jersey as members of the Committee to investigate un-American activities. The request for an appropriation of $100,000 was reduced to $25,000 by the Committee on Accounts, and the Committee was now ready for action. It is well to note that the Resolution contained the clause

3GR 75-3, May 26, 1938, 7570.
that "the head of each executive department is hereby requested to detail to said special committee such number of expert and legal assistants and investigators as said committee may from time to time deem necessary."\(^4\)

Dies announced a very reasonable plan of action. He estimated that it would take six weeks for agents to go into the field and assemble data. He said that this was not going to be any "shooting in the dark" inquiry. That they wanted facts only, and when the hearings started that they would know where to get them.\(^5\)

Dies' opening statements at the formal hearing in Washington on August 12, 1938 were a model of what a congressional committee should or should not be.

The Chair wishes to reiterate what he has stated many times—namely, that this Committee is determined to conduct this investigation upon a dignified plane and to adopt and maintain throughout the course of the hearings a judicial attitude . . .

We shall be fair and impartial at all times and treat every witness with fairness and courtesy . . . . We wish to caution witnesses that reckless charges must not be made against any individual or organization . . .

It is the Chair's opinion that the usefulness or value of any investigation is measured by the fairness and impartiality of the committee conducting the investigation. Neither the public nor Congress will have any confidence in the findings of a committee which adopts a partisan or preconceived attitude . . .

In investigating un-American activities; it must be borne in mind that because we do not agree with opinions or philosophies of others does not necessarily make such opinions or philosophies un-American. The most common practice engaged in by some people is to brand their opponents with names when they are unable to refute their

\(^4\)OR 75-3, June 9, 1938, p. 3638.

\(^5\)Sogden, op. cit., p. 47.
arguments with facts and logic. The utmost care, therefore, must be observed to distinguish clearly between what is obviously un-American and what is no more or less than an honest difference of opinion with respect to some economic, political, or social question.

The first witness heard by the Committee was John C. Metcalfe, an official investigator for the Committee, the only one to appear before it in the initial phase. In reality he was merely giving his report, based on his observations, and presenting the evidence he had obtained. The same day several other witnesses were heard. All the first days hearings related to the German-American Bund and its connection with the Nazi Government of Germany. The stage had been set for a complete investigation of Nazi propaganda. Yet for some reason not apparent, the subject was dropped during the remaining hearings that year. There appeared not to be the same determined effort to develop the subject as was the case in several phases of the investigation of Communitistic activities.

With the testimony of August 13, 1938, headlines began to scream. Dies, perhaps seeing the storm that would be aroused, repeated that he had no intention of attacking any labor organization and that all such organizations mentioned would be given a chance to refute the charges or attacks. The testimony of John P. Frey of the Metal Trades Department of the American Federation of Labor stretched over three days, August 13, 15,

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6U. S. Congress, House, 75th Cong., 3rd Session, Special Committee to Investigate Un-American Activities and Propaganda in the U. S., Hearings, Vol. I. The Hearings will henceforth be cited H-1, H-2, etc. according to the volume referred to.
and 16. A careful reading of the testimony brings one to the conclusion that, regardless of the reputation of the witness or the good intention of the members of the Committee, there was no cross-examination, no attempt to determine the truth, and that the Committee resembled an enthusiastic audience cheering on its champion more than anything else. Frey's testimony boiled down was a sweeping indictment of the CIO, a rival organization, despite his assertions that the rank and file of the CIO was not Communist.  

Much of the blame placed on the press for the coverage of the Dies Committee is not entirely deserved. True, the hearings were distorted in certain newspapers which made the news conform to a set policy. But, after all, the basic materials used were the hearings themselves. The Committee can claim lack of responsibility for what the papers said about the hearings, but it cannot do so for the hearings.

Very early in the hearings three types of testimony were given and all were treated in different manners. The first was the report of Metcalfe. His was a skeleton form which needed to be filled in by subsequent testimony by the people.

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Newspaper articles and reports have been used in this paper with the full realization that such materials are not always completely factual, but the New York Times is considered by most people to be more factual and unbiased than any other newspaper in the United States. It was necessary to fall back on newspaper accounts in many instances because of the lack of any other source material at hand.
involved. The second was the cross-examination, which while not perfect, was passable. The third was the testimony of Frey which, regardless of truth or falsity, was accepted by the Committee on its face value and was not subject to cross-examination of any value. A fourth type evidence to be considered was that introduced by Edward E. Sullivan, Committee investigator. He said that Harry Bridges, west-coast labor leader, facing deportation proceedings, received support from "official government sources" and from that he went into a denunciation of Hollywood as a hotbed of Communism. Sullivan never appeared before the Committee, yet it appeared from the papers that this was a part of the findings of the Committee. This fourth type may be said to consist of statements of the Committee or its investigators made outside of the public hearings. This and the type of testimony Frey gave were, unfortunately, the type that constituted the greater part of the hearings the first year.

The Communistic press naturally denounced every action of the Committee indiscriminately. And that section of the press to which every reform, of its very nature, is ipso facto Communistic did the reverse, lauding the Committee to the skies.\(^8\)

*Life*, with the knack of calling a spade a spade, commented that the doors of the Committee were open to anybody who "cared to come in and call anybody else a red."\(^9\) The *Christian Century* pointed out that:


There are doubtless some very real grains of fact in the many measures of chaff Mr. Matthews and other excited witnesses are dumping before the Committee. The more the pity that the actual dangers should be concealed and the real issues confused by bringing in such rubbish.10

Social Justice, on the other hand, was becoming a fervent supporter after a slow start. It declared in the August 29, 1938 issue that the nation was at last getting knowledge of what was going on, although it did not think that Congress would do anything to follow up its disclosures. By September 5, 1938 we find Dies glorified as the "Man of the Week," worthy of the applause of every "honest, America-loving, red-hating, United States citizen."11

On October 25, 1938 President Roosevelt was asked what he thought of the action of the Committee in investigating the part Governor Frank Murphy of Michigan played in the sit-down strikes in Michigan in June 1937. He replied that he would rather put his remarks in a written statement. A portion of that statement follows:

I was very much disturbed. I was disturbed not because of the absurdly false charges made by a coterie of disgruntled Republican officeholders against a profoundly religious, able, and law-abiding governor, but because a Congressional Committee charged with the responsibility of investigating un-American activities should have permitted itself to be used in a flagrantly unfair and un-American attempt to influence an election. . . .

In handling the dangerous labor situation in Michigan in the dark days of 1937, Governor Murphy, as a true American, was concerned not only with the letter but the spirit of the law. Governor Murphy accordingly strove,

and strove successfully, to effectuate a settlement not by force but by reason—a settlement which would not only satisfy the letter of the law, but the community's sense of right and justice. . . .

Governor Murphy never said a word in condonation of the sit-down strikes, or any illegal practices. But the Governor was informed by responsible officials . . . that any attempt . . . to forcibly eject the sit-down strikers . . . would result in bloodshed and riot . . . .

Governor Murphy always insisted that the lawful order of the court be obeyed. But knowing that . . . precipitous efforts to enforce the court order would result in violence which would disrupt peaceful negotiations, he requested the sheriff to postpone the enforcement of the court order over the week-end; for that act every peace-loving American should praise him. . . .

Most fairminded Americans hope that the Committee will abandon the practice of merely providing a forum for those who for political purposes, or otherwise, seek headlines which they could not otherwise attain.12

Dies incorporated his reply in the record of the hearings. It was more of a counter-attack than an answer. He said that he knew from the beginning that neither the President nor his advisors favored the investigation. All other methods of attack having failed, Dies said, the President had been induced to permit the prestige of his office to be used for the purpose of discrediting the investigation.

The people of this country are entitled to the truth. As Chairman of this Committee, I have felt it my duty to conduct a fearless investigation, regardless of political expediency. Under my conception of public duty, it would have been wrong to shield Governor Murphy simply because he was a Democrat and a strong friend of the President. While I deeply regret the President's bitter attack on a Congressional Committee of an independent department of the Government, and while I regret that the President did not read the testimony before issuing his statement, I wish to make it plain that I shall continue to do my duty undeterred and unafraid.13

13 Ibid.
As a result of this, Healey and Dempsey telegraphed a request that the hearings be recessed until after the elections. Members of the Committee who were absent because of campaigning should be allowed to pass on procedure, they argued. But Dies replied that the majority of the Committee were in favor of continuance, and the plea was ignored.

A reporter suggested that a poll be taken among the reporters covering the hearings, who, it was said, considered the President’s rebuke mild compared to the comments heard in the National Press Club with regard to the Committee’s action. John O'Donnell and Doris Fleeson took a poll among the reporters and published the results in their column "Capital Stuff." Eleven of the eighteen reporters covered agreed with the President that the Committee was unfair. Only two voted it fair. Two others thought that it was as fair as any other Congressional Committees, which they agreed, did not set a high standard of fairness. The three remaining refused to commit themselves.  

The renewal of the Committee now began to engage Dies' attention. He announced in a speech on Armistice Day that $200,000 to $300,000 would be necessary to continue the investigation. Later he announced that he would ask for one million dollars to investigate charges of graft in the PWA and the WPA as well as to continue the current probe. He also delivered a violent tirade in which Secretary Ickes, Secretary Perkins,

John L. Lewis and others were classified in his list of "purveyors of class hatred," which was headed by Stalin.

The following day, November 15, 1938, an article from the magazine Flight was read into the record at the end of the day. It had been written by Henry Zon who claimed that the Civil Liberties Committee had its origin in a meeting of 15 people in Washington at which, among others, John L. Lewis, Gardner Jackson, Dorothy Petrzer, and Senator LaFollette had been present. Mosier suggested that the Committee subpoena Zon and make him divulge the names of the others present at the meeting. Mason added if some of the people were known Communists an effort should be made to ascertain the fact and to put it into the record. Dies agreed that this would be the only reason for investigating the Senate Committee. On the following day he said that nothing would be done until the full Committee was consulted. Dies admitted that there existed a serious question of the right of one Committee to investigate another one so action was postponed.¹⁵

A short time later Miss Alice Lee Jemison, who had a grievance against the administration of the Indian Bureau, named Secretary Iokes and five other officials as members of the Civil Liberties Union. She coupled this with other accusations concerning the Indian Bureau.

Iokes was quick in answering the charges. In his press conference he termed the Committee's procedure "outrageous"

and termed Dies the "outstanding zany of our political history."

To this Dies retorted that Ickes was engaged in his "usual campaign of abuse and vilification." The character of the American Civil Liberties Union, he declared, was shown by the testimony of Roger Baldwin and John L. Lewis, yet the Secretary had admitted that he belonged to it. A few days later Dies issued a statement asking for the resignation of Secretary Ickes, Secretary Perkins, and Harry Hopkins, saying that until they, and the crackpots they brought with them to Washington were gone restoration of confidence and normal conditions would be difficult if not impossible to achieve.

Until December 2 Dies had shown little inclination to cross-examine witnesses. On that date, however, Homer Martin, a labor leader, was subjected to a very thorough cross-examination by Dies, on some speeches he had made in California the previous summer.

On December 5 the Committee heard Mrs. Ellen Woodward, Assistant Administrator of the WPA who took up the defence of the Federal Writers Project and the Federal Theater. The cross-examination of Mrs. Woodward was a model of what might have been done with all the testimony heard. Every statement she made had to be proved, every word that she uttered had to be explained, the sources of her charges were explored in detail and her fitness to testify was thoroughly discussed. In her case there was no reading of a prepared statement accusing all and sundry with merely perfunctory or confirmatory
interruptions on the part of the Committee. Rather it was a stimulating cross-examination, with the members of the Committee determined that nothing save that which could not be denied would be permitted to go into the record.

At the end Mrs. Woodward must have been happy to step aside and let Mrs. Hallie Flanagan take the stand. The members of the Committee and Mrs. Flanagan spoke in different languages as far as the theatre was concerned, but she was given a thorough examination. Taken in contrast to the previous testimony, one is led to question why at this particular point the Committee became particular, why it suddenly decided that questions of administration were beyond its ken.

It seems rather strange that at this late hour the Committee insisted on purely factual testimony, on the relation of things actually witnessed by the person testifying. The Chairman rightly enough insisted that Mrs. Flanagan could not refute testimony on Communistic activities on projects where she had not been present. But he forgot that he had already allowed thousands of pages of testimony based principally on hearsay evidence.

The Committee heard Capitan John J. Keegan and John E. Ferguson testify on Communistic activity on the west coast the following day. Much of this testimony was based on affidavit which the Committee accepted without question. Yet the

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16 H.4, pp. 2675-2727.
previous day Mrs. Flanagan's plea to be allowed to produce affidavits to prove her contentions had been disallowed and the Chairman dismissed them saying "those affidavits depend for their truth or falsity upon what someone else said."\textsuperscript{17}

It seems what was acceptable to the Committee was based on a rather elastic standard which varied with the witnesses testifying.

The last day of hearings was on December 15, 1938. Dies concluded the hearings with a defense of the Committee and stated that it would be impossible to continue unless adequate funds for an adequate staff were given.

My own attitude would be that unless Congress sees fit to provide us with that assistance it would be futile to undertake to go through the tremendous difficulties again that we have encountered in the last six months. \textsuperscript{18}

\textquote{... When we consider the fact that we have had to struggle under almost insuperable difficulties, difficulties that the public never understood fully, I feel we are justified, as a Committee, in saying that we have no apology to offer for what we have been able to accomplish.}

The report, Dies said, would be based on documentary evidence, and could be relied upon to be accurate.

The weight of public opinion favored the Committee as is testified to by a Gallup Poll held just before the termination of the public hearings. The Committee was best known in the East, but had made the greatest impression in the South and in the automobile-manufacturing states. Of all the voters

\textsuperscript{17}New York Times, Dec. 8, 1938.
\textsuperscript{18}H-4, Supp., p. 3178.
polled seventy-four per cent were in favor of continuing the investigation. Sixty-eight per cent of the Democrats and eighty-three per cent of the Republicans favored the Committee.

Although the public favored the Committee, many of the newspapers and periodicals were very critical of much of the work of the Committee.

The Christian Century showed its disapproval of Dies and his methods when it claimed that he tended to classify as un-American all things that he did not like. It reported that the reactionary press had leaped to take advantage of the opportunity offered it by Dies. Declaring that any swing to reaction meant a setback to democracy, the editor said that the Committee constituted such a swing, and that Dies knowingly or unknowingly, was playing the role of forerunner of a Fascist dictator.19

D. A. Saunders, more mild than the Century, found little to commend in the record of the first phases of the investigation. He says that, in the first four volumes of the hearings, there is an almost complete lack of information on the principals in any subversive movement and little in the way of pertinent documents. Instead, information had been freely given by persons bitterly opposed to the organizations on which they testified, many of whom could have been activated by any number of ulterior motives.20

As soon as the new Congress convened, Dies presented the Committee's report. It contained many parts. The first section set forth correspondence between the Committee and various executive departments in an attempt to show that the Committee had not received the help it had requested.

Next came a statement on Americanism sufficiently broad to cover all the Committee's past actions. Vast new fields for investigation were added with the statements that law and order are essential to the preservation of Americanism, while lawlessness and violence are distinctly un-American; any scheme or philosophy of government or any teaching which embraces all or any essential part of Communism was un-American.

The report then went into the different phases of the investigation and ended with a summary of the findings based on the hearings and the report itself.21

With the report Dies introduced resolutions calling for continuation of the Committee and appropriation of $150,000 for the purpose.22

Reaction to the report followed the same general lines in the press as had the reaction to the hearings. The New York Times admitted that the nation should be protected from subversive influences, but "seriously doubted if the Dies Committee had shown itself to be an ideal instrument for accomplishing


22CR 76-1, Jan. 3, 1939, p. 38.
this purpose." In conclusion they thought if there were good reasons for continuing the Committee there were better ones for altering its personnel.23

It was a foregone conclusion that the Committee would be renewed because of the public support.

When the Committee on Rules started its hearings on the resolution to continue the Committee, a petition, containing what was purported to be a detailed analysis of the testimony offered before the Committee, was presented by a group of lawyers. It attacked the Committee for conducting its hearings with utter disregard of the requirements of fairness and for permitting itself and its proceedings to be used by all types of persons to broadcast charges unsupported by proof against labor unions and public organizations.24 Most of the opposition was based on the procedure of the Committee. Representative Jerry Voorhis of California said that he could not vote for the Committee even though he was not opposed to an investigation, because the Committee had not carefully observed the rules of evidence and it had not always been fair. Representative John D. Dingell of Michigan favored the continuation of the Committee if Dies were removed from it.25

Dies, speaking in defense of the Committee, admitted that they had made mistakes but reminded them of all the opposition

that had to be overcome. At the conclusion, all members of
the Committee on Rules voted for continuation except Adolph
Sabath of Illinois.26

One hour was taken for the debate in the House where
Marcantonio complained that the opposition had been limited
to thirteen minutes to be shared by fifteen members. Most of
them agreed that the purpose of the Committee was good, but
they objected to the methods and procedure and they denounced
its use for partisan purposes.27

Dies made a highly emotional address and denied any
partiality in the least degree. He declared that

if this investigation is continued this committee is
going to recognize such mistakes as were made, and is
going to do everything within its power to continue a
fearless, an honest, and serious investigation of what
is a definite danger to the stability and the life of
America.28

The vote on the continuation was 344 yeas, 35 nays,
2 present, and 51 not voting.29

The Committee on accounts reduced the amount of money to
be appropriated for the expenses of the Committee to $100,000.
The money was voted with little debate.30 On the previous day
Representative Jerry Voorhis of California had been appointed
to fill a vacancy on the Committee.31

26CR 76-1, Feb. 3, 1939, p. 1101.
27Entire Debate Ibid., pp. 1098-1129.
28Ibid., 1126. 29Ibid., 1128-29.
30CR 76-1, Feb. 9, 1939, pp. 1288-91.
31CR 76-1, Feb. 8, 1939, p. 1128.
Dies had won his fight. He had his investigation continued. He had the money he needed. He was ready now, he said, to conduct a "real" investigation, with lawyers, experts and perhaps executive sessions. The Committee was going to be absolutely fair and would avoid "smearing" anyone. "And I don't think that the department heads are going to open their mouths about us this time," Dies said triumphantly, "We've proved that this job should be done." 32

The renewal of the Committee accomplished, it dropped from the headlines for the first time in months.

Meanwhile a Gallup Poll had been made of possible subject matter for the inquiry, using the threefold division of the study into a study of war propaganda, of Nazi and Fascist activities, and a study of Communism. Some 42 per cent thought the study of war propaganda the most important, 32 per cent the study of Nazi and Fascist activities, and only 26 per cent the study of Communism. Democrats thought the study of Nazism more important, while the Republicans thought that Communism represented the greater danger. Two out of three of those polled had heard of the Dies Committee, whereas only one in four knew of the Civil Liberties Committee despite its greater age and coverage. 33

Before the first public hearings on May 22, 1939, the Chairman laid down the rules under which the Committee intended

33 Dallas Morning News, Mar. 5, 1939.
to operate in the future. Witnesses were to answer questions and not to volunteer information. If a witness insisted in doing this or in bringing in the name of someone which was not in response to a question asked, the answer would be stricken from the record. Dies reiterated that the Committee was not going to tolerate any volunteer statements on the part of any witness.34

The procedure used in the first of the new series of hearings revealed a tremendous improvement. The questions were well handled by Rhea Whitley, new counsel for the Committee, and the method followed showed evidence of careful planning.

It had first been decided not to hold hearings until the Congress adjourned. But on May 18 Dies announced that the Committee had evidence to show that a well-organized, anti-Semitic plot had developed in the United States and that it had attracted the attention of General George Van Horn Moseley, U. S. A., retired. In an aura of mystery six witnesses, whose identities were carefully guarded and some of whom were kept hidden from the others, were heard. During the next weeks small dribblets of information were allowed to leak out. Harold B. Hinton remarked that the reports could not be made public since they had a strong anti-Semitic tinge and charged unbelievably seditious activities on the part of well-known men. The members of the Committee, he added, were not so much

34H-5, May 22, 1939, p. 3285.
concerned over the plot itself, but were inclined to look into the motivation behind the distribution of the reports. But when on May 20 a transcript of the testimony given in the executive session two days earlier was released to the press, a change in emphasis became apparent. The plot took first place, the anti-Semitic phase received less notice.

The *New Republic* commented that the Committee was finally on to something that was worth bringing to light. It complained, however, that the Jewish conspiracy had received the greatest amount of publicity while the anti-Semitic plot had been the subject of the inquiry. The *Nation* found fault with the press coverage, which it accused of killing the story with false and misleading headlines and misplaced emphasis.

Dies, of course, could not be held responsible for the reporting of the press.

Certainly the procedure followed by the Committee at this phase of the inquiry could not be criticized in the least. What might better be criticized was the action of the Committee in raising a question in such an atmosphere of mystery and leaving it unsolved.

Probably few more thoroughly documented cases were ever studied by the Committee. Yet its action in going into a

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37 *New Republic*, XCV (1939), 90.
38 *Nation*, CXLVIII (1939), 631-2.
public discussion of the reports that were never themselves made public and only vaguely identified as relating to a Jewish-Communist plot might well be questioned. Either the reports should have been made public or the affair should have been considered in executive session. Too, the hearings afforded an opportunity to the Committee to investigate the native Fascist movement, but this was never utilized to its fullest extent.

At the end of the session in the summer Arthur D. Healey, who had never been prominent in the investigation, resigned. His place was taken by Representative Joseph E. Casey of Massachusetts, who was appointed by the Speaker of the House while they were still in recess.\[39\]

The Committee did not resume hearings until August, 1939. Before beginning the hearing on August 16, Dies announced that the Committee had adopted two resolutions in executive session. The first provided for subcommittees when necessary and the second that all hearings would be public except in the cases where the majority decided that executive sessions would be preferable.\[40\] Rhea Whitley then started the questioning of Fritz Kuhn, leader of the German-American Bund. Kuhn revealed little that was not already known because there was available very little factual evidence on which to pin him down.

The Committee had now inaugurated a new procedure by which rebuttal witnesses were brought in immediately after the

\[39\] CR 76-1, Aug. 5, 1939, p. 11210.
\[40\] H-6, Aug. 16, 1939, p. 3705.
testimony of suspect persons. In the case of Kuhn the rebuttal was furnished by Miss Helen Vooros, one-time member of the Bund Youth Movement. Her statements had actual value in themselves, as they furnished an actual description of the practices of the Bund and of the indoctrination she had received when she was sent to Germany for training in the Youth Movement. It also went far to discredit the assertion that the Bund was nothing more than a bona fide American youth organization, made by Kuhn.

Further hearings were held in 1939 on the German-American Bund, but they were spasmodic and not very connected. The German-Russian non-aggression pact of August 23, 1939 proved a godsend to the Committee. The right-about-face of the Communist Party in the United States proved more conclusively than all the testimony or hearings in the world just what the Party stood for and whose commands it obeyed. Dies was not slow to exploit his advantage when hearings were resumed on September 5, 1939. Earl Browder, the Secretary of the Communist Party, was the first actual Communist to appear before the Committee. He proved to be a suave witness, denying that the Party had received any outside help since he had taken office and giving evidence on the organization of the Comintern, but he refused to admit any link between the Communist Party in the United States and Soviet Russia, or that the Communists supported all Communistic or Socialistic measures proposed by other groups.41

41H-7, Sept. 5 and 6, 1939, pp. 4275-4323.
In his testimony on the practice of traveling with false passports, Browder admitted that he had used one. On the advice of his counsel he refused to answer other questions on the subject on the grounds of self-incrimination. When the subject of united front organizations was discussed, Browder himself pointed out that there were a large number of people in such organizations who had no sympathy whatever with the objectives of the Communist Party.  

A rebuttal witness followed the next day. He was Benjamin Gitlow, one-time general secretary of the Communist Party. He gave a detailed story sent from Russia to the United States which was in contrast to Browder's testimony. He also stressed the use of the Party as an instrument of the foreign policy of the U. S. S. R. The following day he further testified on the relations of the Comintern and the Party. In a brief session on September 9 Gitlow concluded his expose of the Comintern and spoke of the activities of the O. G. P. U. and the fraudulent use of passports by the Communists.

Apparently the Committee had reverted to its practice of the year before in hearing Gitlow. The cross-examination of the witness and the high standard of procedure of the previous months was gone. This fact tends to detract from the evidence given by Mr. Gitlow.

Ibid., pp. 4383-84.

Ibid., Sept. 7, 1939, 4656-64; Sept. 8, 1939, pp. 4664-65; Sept. 9, 1939, pp. 4667-86.
Several other witnesses were heard concerning Communism, Communistic organizations, Communist controlled and Communist-front organizations during September, and from all Dies tried to get membership lists. Stating that it had proven impossible to get the membership lists of the Communist party, Dies stated that he was going to follow the next best course and publish the membership lists of Communist organized or Communist-controlled organizations and use them as evidence of Communist views.

The hearings in October, 1939 were, on the whole, not on a par with earlier hearings that year. One reason was, probably, that Whitley was not used as the examiner as much as before. When he was examining witnesses the proceedings fared much better.

The last week in October of 1939 marks the turning point in the history of the Committee. As Fred Barkley observed in the New York Times of October 15, 1939, the Committee had made great strides. Its evidence had been of better quality and was more competently presented. There had been no indiscriminate "smearing" of all liberal and radical organizations. The German-Soviet pact, Barkley commented, had been responsible for the opening of new sources of information to the Committee.44

While its record was by no means perfect the Committee had made great strides up to this point. But with the publication of the membership lists of the Washington Chapter of

the American League for Peace and Democracy a new era set in. The relatively few hearings that took place after this in 1939 were maintained at a fairly high level, but "the Committee, or rather its dominating Chairman, had found a new method of approach, one which eventually was to supplant public hearings altogether."\(^{45}\)

The Committee, by its own statement, admitted that no evidence existed to prove that the persons named as members of the American League for Peace and Democracy were Communists.\(^{46}\) But the list was given to the papers for the express purpose of obtaining publicity and the members of the Committee could not have been ignorant that such publicity would label such persons as Communist sympathizers. Yet it never produced any evidence whatsoever that, individually, the persons on the list were Communist sympathizers.

A mere denunciation of individuals en bloc cannot be defended by any standard of fairness or justice if the persons concerned are without any chance of clearing themselves.

Yet in this first example of mass denunciation Dies had found the strongest weapon he was destined to wield and which gave him a power all out of proportion to his position and the purpose for which the Committee had been created.\(^{47}\)

The last group of hearings for 1939 started on November 27 with the testimony of Hamden Wilson who gave a statement on the

\(^{45}\) Ogden, op. cit., p. 151.

\(^{46}\) CR 76-2, Oct. 26, 1939, pp. 862-869.

\(^{47}\) Ogden, op. cit., p. 163.
American Student Union that consisted of generalities and few specific facts.

Wilson was followed by George W. Hartman of Teachers College in New York. His testimony, dealing principally with Communism in the Teachers Union, was also a statement, interrupted by very little cross-examination, and containing much personal opinion. 48

A statement by Thomas that the Committee should be made permanent, in which he accused anyone who would "smear" it as sympathetic to foreign "isms," brought a stinging rebuke from Voorhis. He declared that when the indefinite continuation of one Congressional Committee became the test of a man's patriotism, dangerous grounds had been reached. 49

To finish a year that started well and ended badly, the Committee issued a statement that the League of Women Voters and several consumer groups were Communist dominated. Representative Voorhis denounced the Committee for its "undemocratic" release of a report on the consumer movement which he called "purely and simply the opinion of J. B. Matthews." 50

48H-11, Nov. 27, 1939, pp. 6827-38.
CHAPTER IV

THE COMMITTEE UNDER DIES;

1940-1944

Dies had launched into his campaign for the continuation of the Committee long before the end of the hearings in 1939. Nearly all, friends and enemies alike, thought that there had been a great improvement, but almost all also had to admit that their record had not been blameless.

An editorial in the New York Times, while favoring the work of the Committee, advised against it being carried on "by methods which offend against the very standards and traditions whose protection is being sought."¹

Michael Williams in Commonweal pointed out that, with all its faults, the main task of the Committee had been well worth doing and that it should go on. He warned, however, that all attempts at reform would be damned by reactionary forces, either honestly or maliciously, unless the reformers were firm.²

Arthur Kroch defended the Committee, saying that it had produced revelations which had greatly justified its existence,

but he admitted that the hearings had been darkened by "unwise, arbitrary, and sometimes unfair methods."  

The report to Congress was in preparation while discussion continued on the subject of the Committee. While the preparation was going on there were rumors that there was disagreement as to just what it should contain. The original report, written by Matthews, it was said, was called by one New Dealer "as vicious a document as he had ever seen." The Committee agreed on an unanimous report—due to Dies' fear that renewal would be more difficult if they were not in agreement—and it was submitted to the House.

The report was a remarkable document balanced, reasoned, and definite. An introductory statement pointed out that, while it was important to combat subversive activities, it was equally important to protect the fundamental character of constitutional liberty. A clear-cut definition of Un-American activities was given as the standard followed by the Committee.

By un-American activities we mean organizations or groups existing in the United States which are directed, controlled, or subsidized by foreign governments or agencies which seek to change the policies and form of government of the United States in accordance with the wishes of such foreign governments.

Highlights of the report were:

4Time, XXV (Jan. 15, 1940), 14.
5Ibid., pp. 13-14.
6New York Times, Jan. 4, 1940.
The German-Russian Pact crippled United States Communist and Nazi groups just as the Communists were gaining their greatest popularity as an anti-Fascist force, and the Nazis were popular as an anti-Communist force.

Not more than 1,000,000 United States citizens have been affected by essentially foreign or un-American activities.

The Communist Party is a "border patrol" of Russia, led, financed, dominated and directed by Russia for the benefit of Russia. United States workers "have borne the brunt of Communist efforts," but have resisted so successfully that only ten or twelve of the forty-eight CIO unions are "more than tinged" with Communists.

We believe that the Committee would render a disservice to the nation if it left the impression that there is anything in the present situation to cause anyone to lose faith in the American people as a whole or their devotion to their basic institutions.\(^7\)

The *New York Times* called the report an "astonishingly able and balanced document."\(^8\) There was no mention of Government employees, no smearing of innocent people. Consumers' organizations were not even referred to.

It would be idle to surmise how the report was produced. . . . Certainly, the introduction and the conclusion bear the marks of Voorhis' influence, as the ideas had too often been expressed by him to go unnoticed. Be that as it may, the second report of the Committee is probably the most valuable and outstanding piece of work it ever produced.\(^9\)

\(^7\) *Time*, op. *Cit.*, pp. 13-14.

\(^8\) *New York Times*, Jan. 5, 1940.

\(^9\) Ogden, op. *Cit.*, p. 197.
Debate on the Committee continued. The Gallup Poll reported that 70 per cent of the people interviewed thought it more important to investigate Communism than Nazism, a definite change from the attitude expressed in the poll a year before. In a radio speech from Beaumont on January 6, Dies called for a continuation of the investigation, charging the administration with hostility to the Committee from its very inception.

In the House several Representatives spoke for or against the Committee during the first three weeks of January, 1940, but it was toward the end of the month that the Committee on Rules met to consider H. R. 321 by which the Committee would be continued. Representative Frank E. Hook of Michigan attacked Dies on the ground that the Chairman himself was connected with subversive element. The charges and the alleged proof were by unanimous consent entered in the Congressional Record. They became the center of heated controversy and were finally withdrawn when it was later proved that the evidence was forged.

Voorhis and Dempsey made a futile attempt to have the Committee improve its procedure. They asked that it be obliged to hold executive sessions once a week; that no statement or press releases be permitted until a majority of the Committee

approved; that an effort be made to have accused persons
appear before the Committee as soon as possible after their
accusation; and that members be forbidden to make charges or
predictions based on future revelations of the Committee.
Chairman Cox, however, rejected all these suggestions as
attempts to hamstring the Committee and H.R. 321 was reported
favorably to the House that very afternoon.14

Most of the debate ran along the usual lines employed
by the proponents or opponents of the Committee. The vote,
as expected, was a tremendous majority in favor of the con-
tinuation of the Committee, 344 ayes to 21 nays, with 57 not
present, and 1 not voting.15 On January 25, 1940 without any
debate or opposition the House voted §75,000 for the Committee.

The first public hearing in 1940 began on February 8 with
the sudden appearance of William Dudley Pelley. Starnes, in
opening the hearings, had to announce that the Committee had
to operate without the benefit of an attorney or an investi-
gating staff. Pelley was an embarrassing witness. He com-
plimented Thomas for an article in the Record demanding the
impeachment of Secretary Perkins. He even went so far as to
say that if the Dies Committee continued its good work, the
Silver Shirts could be disbanded.16

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14CR 76-3, Jan. 22, 1940, p. 534.
15CR 76-3, Jan. 25, 1940, p. 688.
16H-12, Feb. 8, 1940, p. 7229.
Robert Barker helped conduct the final hearing of Pelley on February 10. Most of the testimony related to Pelley's numerous transactions and his financial affairs. Barker saved the entire hearing from being disjointed and vague. Little information was secured, nevertheless.

Dies, on his return to Washington said that the Committee would cease its public hearings well in advance of the presidential campaign.

On February 27, 1940, after two days of executive session, the Committee announced a broad plan of action. Communists in Hollywood and the alleged use of Mexico as a base for foreign propaganda were subjects to be investigated. The Christian Front and Christian Mobilizers were also supposed to receive proper attention.

With the testimony of James Hulse Dolsen on March 25, 1940 the Communistic opposition took on a new aspect. On a series of questions on the membership of certain persons in the Communist Party, Dolsen refused to answer because he said the Committee had no right to inquire into such matters. He also refused to give the names of the chairmen of the various units of the Communist Party in Allegheny County. In a final refusal he declined to give the name of the person who had used President Roosevelt's name as an alias when he received the Party card found in Dolsen's room.

Dies then ruled that, as the matter on which Dolsen had been questioned was pertinent to the inquiry, he should be
cited for contempt for his refusal to answer. An issue would be made of this case, Dies promised, since continued conduct of this type would hamper Committee work.17

On the following day Dies announced that it would be necessary to have the names of 100,000 Communists who worked for the U.S.S.R. and sent American secrets to her. For this purpose all the prominent Communists would be called before the Committee and asked to supply the names of members. If they refused, contempt proceedings would be initiated at once. The same procedure would be used for Nazi and Fascist groups.18

The next witness to appear, George Powers, was accompanied by Sol H. Cohn, as counsel. Cohn appeared with most of the Communists who subsequently appeared and this gave a certain uniformity to their objections.

The first difficulty arose when Powers refused to answer questions regarding members of his family. Cohn contended that under the rule in the Sinclair Case the Committee had no right to ask questions of this type, since they delved into the private and personal life of the witness. Powers also refused to answer any questions regarding persons connected with the Party as members as, he claimed, the Chairman was trying to blacklist the persons so named. As far as information was concerned the Committee had reached a blank wall.

17 H-12, Mar. 27, 1940, p. 7420-21.
18 New York Times, Mar. 27, 1940.
It did what it could and cited Powers for contempt. On the next day, March 29, the House passed the resolution citing Dolsen for contempt.

Thomas O'Dea, President of the Young Communist League of Massachusetts; Phil Frankfeld, Secretary of the Communist Party of Massachusetts; Albert E. Blumberg, Thomas M. McKenna, and Claude Lightfoot were all called to testify before the Committee and all gave the usual Party objections to the usual Committee questions. Frankfeld and O'Dea were charged with contempt before United States Commissioner Turnage who released them on bond.

On April 2 Committee investigators Chester Howe and George Hurley, aided by eight men from the Philadelphia detective squad under Lieutenant Albert Granitz raided the Communist headquarters in Philadelphia armed with Federal subpoenas and a search warrant issued by magistrate Jacob Dogole.

On April 5 Judge George A. Welsh of the United States District Court issued a warrant for the arrest of George Hurley, Chester Howe, and Lieutenant Granitz. The warrant charged "conspiracy to violate the Bill of Rights and the Civil Liberties Statutes." The Judge insisted that he was not sitting in judgment on the case, but expressed the hope that liberty would not be sacrificed on the altar of patriotism. Dies challenged

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20 *CR* 76-3, Mar. 29, 1940, pp. 6394-95.
21 *H-2*, Mar. 29, April 4, 1940, pp. 7486-7664.
22 *New York Times*, April 6, 1940.
the Court's stand and appealed to the people of the country to decide whether the anti-Communist drive was right.\footnote{CR 76-3, Apr. 30, 1940, app., p. 2528-29.}

Without debate the House, on April 8, 1940, approved the resolutions citing Blumberg, Frankfeld and O'Dea for contempt. The following day Judge F. Dickinson Letts of the U. S. District Court for the District of Columbia ordered Frankfeld and O'Dea released from contempt charges filed before U. S. Commissioner Turnage a few days before. Judge Letts pointed out that the Congress itself prescribed the procedure to be followed in the very statute which the two men were accused of violating. This the Committee had not seen fit to observe. Nor had Stripling, the employee of the Committee, any right to institute proceedings. Hence Judge Letts concluded that Frankfeld and O'Dea had been unlawfully deprived of their liberty and that they should be released from custody.\footnote{CR 76-3, Apr. 30, 1940, app., p. 2529.}

The contest between the Communist Party and the Dies Committee might be called a draw. Some records had been seized, but the Committee ran into court litigation and ceased the practice. The Communists had defied the Committee as no other witnesses had dared. Five had been cited for contempt, but the Committee had apparently seen the futility of such action and had not taken steps against those who had defied its authority later. Even the publicity was lacking since
witnesses who do not speak do not make good newspaper copy after the first time or two.

The decision on the seizure of the records was given by Judge George A. Walsh on May 3, 1940. The Judge dismissed the contention of the Committee that its action was not subject to a Federal Court because the search warrant had been based on an alleged violation of the Pennsylvania anti-Sedition Law. The undertaking had been a joint one and the effect was the same as if it had been conducted by Federal officials acting by themselves, he said. The brief defended the civil liberties of minorities and held that the affidavit had been defective, because it was based on information and belief and not on probable cause as required by the Fourth Amendment.\(^\text{26}\) Dies said the decision of the court would be appealed and, if upheld, the Congress would be asked to change the law. There would be no way to defend democracy, he complained, if the Committee could not legally obtain records of revolutionary groups.\(^\text{27}\)

Later in the month investigators Hurley and Howe and Lieutenant Granitz were cleared of charges of conspiracy to violate the Bill of Rights in connection with their action in the case. Any deficiency, the Judge declared, if such existed should be attributed to the judicial officers who drew both

\(^{26}\text{CR 76-3, May 6, 1940, appendix, p. 2735-37.}\)

\(^{27}\text{New York Times, May 4, 1940.}\)
the search warrant and the affidavit rather than the men who had done their duty in enforcing them.\textsuperscript{28}

In a speech before the House on May 17, 1940, Dies took up the theme of the Trojan Horse, the enemy from within, which was to be his topic for months to come. While disclaiming any intention to attack the Department of Justice, he said that what was needed was not more legislation but the enforcement of existing legislation.\textsuperscript{29}

The days of public hearings were almost at an end for the Committee. Early in June Dies announced that closed hearings would soon start and conditions in the south would be investigated. Communism in the TVA and the Birmingham steel industry would form the main topic of the inquiry. On June 3 the Committee did hear seven witnesses, six of whom were from Knoxville. The hearings were behind closed doors.\textsuperscript{30}

Dies continued to hammer at fifth columnists. In a radio speech June 9, Thomas charged that the fifth column had flourished under the New Deal and was sometimes synonymous with it.\textsuperscript{31} Only Voorhis sounded a note of caution when, in the House, he admitted that the F.B.I. was the only agency qualified to deal with the fifth column. They were experts, trained for the work. The Committee could help, but the F.B.I. should assume the full responsibility for the important undertaking.\textsuperscript{32}

\textsuperscript{28}Ibid., May 25, 1940. \textsuperscript{29}CR 76-3, May 17, 1940, 6295-6304.
\textsuperscript{30}New York Times, June 5, 1940. \textsuperscript{31}Ibid., June 10, 1940.
\textsuperscript{32}CR 76-3, June 10, 1940, p. 7899.
In the excitement following the fall of France, Congress acted. Action was taken on the bill by Voorhis which required the registration of organizations subject to foreign control, engaged in civilian military activities, or which advocated the overthrow of the government by force or violence. Under the same impetus of fear of subversive activities, the general bill introduced by Smith of Virginia and passed by the House the year before was taken up by the Senate. The Senators rewrote the bill and expanded it into the Alien Registration Act. The requirement that all aliens over fourteen register had not been part of the original bill. In the House only four members voted against the amended measure.

The work of the Committee for the months of July and August can only be traced in newspaper accounts. Dies conducted a whole series of hearings but they were nearly all closed, and he was the only member present.

In spite of the fact that the hearings were closed, enough was permitted to reach the press to sustain public interest. From Austin Dies discovered a plot to sabotage a battleship in a Pennsylvania Navy Yard, but gave no details.

From Beaumont John J. Leech, of Portland, Oregon, told how a large number of Communists had infiltrated into the

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33 Ibid., passed House, July 1, 1940, p. 9121-22; passed Senate Sept. 30, 1940, p. 12828; accepted by House, Oct. 7, 1940, p. 13344.

34 Ibid., June 15, 1940, p. 8340-47; June 22, 1940, p. 9029-36

35 New York Times, July 11, 1940.
California National Guard, how the Young Communist League tried to propagandize soldiers and sailors and that Hollywood was a prime source of Communist Party revenue and recruiting.36

Starnes, meanwhile, in Chattanooga, summoned sixteen witnesses to appear for an investigation of Communism in the T.V.A.37

The one-man Committee in Beaumont next heard Rena Marie Vale, a former Communist, who said that, as a Communist, she had helped organize the League of Women Shoppers. The Party controlled, she also stated, the American Newspaper Guild in Los Angeles and the Young Democrats of California.38

In the middle of August Dies was in California. James Cagney testified before the subcommittee on August 20, and afterwards Dies declared that Humphrey Bogart, Frederick March, and Philip Dorn had never been Communists or connected with the Party. Cagney characterized the reports that Hollywood was permeated with Communism as "so exaggerated that they are ridiculous."39

The Hollywood affair was brought to a close in New York on August 28, 1940. Franchot Tone, Francis Lederer, and Louise Rainer were cleared of accusations linking them with Communists, but Dies said he would reserve judgment of Lionel Stander.40

36New York Times, July 17, 1940, and July 18, 1940.
37Ibid., July 17, 1940. 38Ibid., July 23, 1940.
39Ibid., August 21, 1940. 40Ibid., Aug. 28, 1940.
The entire Hollywood affair, which had been hanging fire almost from the beginning of the operations of the Committee, was a credit neither to the Committee nor the manner in which it was conducted. In reality it was a sensational one-man show with only part of the evidence being released to the public. 41

Dies renewed the struggle to get another appropriation from the Congress, asking for $100,000. In his opinion the Committee was better qualified to conduct an inquiry of this type than was the FBI. He complained that one thousand leads would have to go unsolved if the money was not forthcoming.

In the middle of September the explosion of the Hercules Powder Plant caused Dies to comment that, when a year ago the Committee had predicted such a happening, the Government had merely laughed at such a warning. 42 More money was provided for the Committee when the House, without much debate appropriated $35,000 on September 26, 1940. 43

Toward the middle of October it was reported that the Committee would hold public hearings in New York on the subject of sabotage. Dies, in New Orleans, repeated his charges about the Hercules Power Plant explosion and promised to return to New Orleans, which he termed the hot-spot of un-American activities in the south. 44

On the eve of the elections Dies' book, The Trojan Horse in America, appeared. It is not a part of the official record

41 Ogden, op. cit., p. 213. 42 New York Times, Sept. 18, 1940.
43 CR 76-3, Sept. 26, 1940, pp. 12672-73.
of the Committee, but it is in reality a summary of its findings. The book is a defense of the Committee, a denunciation of its enemies, an attack on many aspects of the New Deal and on most of the liberals in the Roosevelt administration. It is said that much of it was written by J. B. Matthews.\footnote{45}

On November 20, 1940 the Committee issued a "white paper" on the Nazi organizations the Committee had investigated. The first seven sections of the report dealt with the activities of Manfred Zapp and his work in the Transocean News Service. The Transocean News Service was proved to be an agency of the German Government and not a private journalistic enterprise. By means of Zapp's own letters it was shown that Zapp was not acting as an individual German citizen, but as an agent of Official Nazism.

The last two sections were concerned with Dr. Ferdinand A. Kertess. The American Fellowship Forum, with which he had been connected, was exposed as a propaganda agency of Germany.\footnote{46}

The publication of the report brought to a head the long smoldering controversy between the FBI and the Committee. The Bureau, had up until now allowed the aspersions cast by Dies on its work go unnoticed. Attorney General Jackson issued a statement in which he regretted that Dies had accompanied his recent disclosures with an attempt to disparage and discredit

\footnote{45}{For book reviews, see \textit{New York Times}, Oct. 27, 1940; \textit{Time}, Oct. 28, 1940, p. 61.}

\footnote{46}{\textit{New York Times}, Nov. 22, 1940.}
the good work of the FBI. There was enough leeway, Jackson said, to permit the publicity activities of a legislative investigating committee, even if some of those activities had the effect of endangering, by premature publicity, the work of the Department of Justice.

The FBI, the Attorney General said, had been trying to complete a case against Manfred Zapp and the Transocean News Service. Dies' disclosures had rendered further efforts useless in this direction.

In his answer Dies passed over the fundamental points raised and attacked the Attorney General personally. Jackson, he declared, had endorsed the American League for Peace and Democracy, dismissed the indictment against the Communists in Detroit, spoken for such organizations as the Consumers National Federation and written for the League of American Writers. The people wanted action by the Department of Justice, Dies concluded, and against these very organizations.47

On November 26, President Roosevelt sent Dies a telegram asking for a conference to work out a system of closer cooperation with the Justice Department. The telegram gave the principles which must govern any understanding between them.

Once it was recognized that executive duties in regard to illegal activities did not lay in the legislative branch of the Government, the President saw no reason why there should

47Ibid., November 24, 1940.
not be complete harmony. He warned that carefully laid plans for obtaining evidence on subversive activities might be severely handicapped or completely destroyed by the premature disclosure of facts to the public; or by the hasty seizure of evidence which, with a little more patience, might be obtained in a manner admissible in a court; or by the giving of immunity to witnesses on matters revealed by their own testimony. Actions such as this, the President concluded, defeated the ends of justice. 48

The same day was selected by the Committee for the release of the so-called "Red-book" on Communism. It was an extremely large book of 967 pages of closely set type. Unlike the "white paper" it contained no summary of the evidence presented, but was rather an undigested mass of literature pertaining to the Communist Party and its philosophy. As presented, the book was a mass of information of interest only to professional students of Communism or to the Communists themselves. 49

Dies declared before his conference with the President on cooperation that fearless publicity was the way of combating subversive activities and to sacrifice this would be to go counter to Congress and the people. After the interview he indicated that he had not changed his mind, saying that it

48 CR 76-3, Nov. 28, 1940, app. 6724-25.

is everyone's duty to cooperate with the President but this did not mean sacrificing one's principles or convictions on fundamental questions.  

On December 11, 1940 the FBI and the Committee declared that they had reached an agreement, and that there would be no more friction. The basis of the agreement was the telegram the President had sent to Dies.

The first report of 1941 was a translation of a document called by the Committee an "official confidential manual" of the Bund, which showed that it was "an absolutely militarized organization, patterned after the ruthlessly efficient setup which characterizes Hitler's machine in Germany." The statement accompanying the document declared that it showed the absolute loyalty that was demanded of Storm Troopers in America, a loyalty which came before everything else and extended to the most minute details of the Troopers' lives.

Next came the report to Congress. The report summarized the findings for the year and was followed by what the Committee claimed to be its achievements:

We may justly claim to have been the decisive force in shaping the present attitudes of the American people towards the activities of the "fifth columns" which aim at our destruction. Our work has been a type of public education whose importance cannot be exaggerated. Not a single one of the countries in Europe which have been overrun by Stalin and Hitler had the protection of a Committee like ours during the years that preceded its supreme crisis.

50 New York Times, Nov. 30, 1940.
51 Ibid., Jan. 2, 1941. 52 Ogden, op. cit., p. 230.
The distinctive feature of the report was its legislative recommendations, the first by the Committee to Congress since it had been created. The enactment of legislation was demanded to bring about the immediate mandatory deportation of alien spies and saboteurs and of aliens who advocated any basic change in the form of the Government. All employees and officials would be required to be citizens. All Federal financial support, it was recommended, should be withdrawn from educational institutions which permitted members of the faculty to advocate Communism, Fascism or Nazism. 

Voorhis would not concur with this proposal, saying that it could not be administered without grave injustice. The Committee also asked for measures outlawing every political organization shown to be under the control of a foreign government. It said laws were needed to stop immigration from countries that refused to accept return of their nationals who had been found to be deportable from the United States. Legislation was recommended to place restrictions on the distribution of totalitarian propaganda, to extend the statutory period in which citizenship could be revoked to ten years and to extend the statute of limitations to five years.

There were two other recommendations. The first was that the Committee be extended for two years, so that a long range program could be formulated and put into effect. And the other was that employment in defense industries and the Government service be denied to any person who had been or was active in
any political organization found to be under the control and
guidance of a foreign country. 53

The Committee was technically non-existent during the
early part of January, 1941, although Dies had introduced a
resolution providing for its continuation. 54

The delay encountered in the renewal of the Committee
brought from Thomas the charge that the minions of Hitler and
Stalin wanted the Committee killed; finding this impossible,
they sought to delay it. 55 The resolution was finally reported
by the Committee on Rules on February 8, 1941, authorizing the
continuation until April 1, 1942. 56

The resolution was approved by a vote of 354 to 6, with
71 not voting. Immediately afterwards, with no debate, the
House appropriated $150,000 for the use of the Committee. 57

The Speaker also appointed Representative Harry P. Beam
of Illinois to take the place on the Committee left vacant by
Dempsey. 58

No sooner had the Committee been approved than a release
appeared in its name for which there was no justification.
Matthews on February 20, 1941 announced that the Institute
of Propaganda Analysis was under investigation by the Committee
The study, he said, had been going on for two years, but no

53Ibid., pp. 230-231. 54CH 77-1, Jan. 6, 1941, p. 49.
58Ibid., pp. 899-900,
conclusions had been reached. Attention was called to the Institute because of the "frankly left-wing" complexion of many associated with it. Then, too, the organization had been guilty of "open hostility" to Dies and his Committee. Its bulletin of January 15, 1940, "Mr. Dies Goes To Town," had criticized the Committee and its methods.59

Nothing ever came of this. There was no report, no public hearings, although the Institute had to suspend activities at the end of the year. Nothing can justify such action as this, where the personnel of a Committee, using its name and prestige, was allowed to cast reflections on an organization whose principle fault was to criticize the Committee. As Voorhis said to Thomas previously, things had come to a sad state when a person or an organization could not criticize a legislative committee without being accused of un-American activities.60

During the month of March and the early part of April, 1941, Dies was in his glory. There were many strikes and this gave Dies the opportunity to make the assertion that the CIO was full of Communists. Philip Murray, President of the CIO, charged that Dies was trying to undermine the CIO and that he was himself guilty of subversive activities. Dies attack, he said, was planned to weaken the union in the coming negotiations.61

59 New York Times, Feb. 23, 1941. 60 Chapter II.
Early in June Representative Louis C. Rabaut of Michigan inserted in the Record a letter he had written to Dies in April asking that Dies submit to the FBI a list of government employees suspected of subversive activities. The FBI had not received the information which it needed to start the investigation of subversive activities among government employees. The report was sent to Attorney General Biddle on October 19, 1941. It contained the names of 1,124 Federal employees alleged to be members of subversive organizations. Dies expressed hope that immediate action be taken, that the Government, by its aid to Russia had opened a new front for Communists in America and that retention of several thousand Americans on the payroll who had strong leanings toward Moscow would confirm the widely held suspicion that a large and influential sector of official Washington was utilizing the emergency to undermine the American system of government.62

Efforts to trace public action of the Committee hereafter become increasingly difficult. There is little evidence of activity of the Committee as such and all attention must be given to the Chairman speaking for the Committee or utilizing the information in its files.

The defeat of Dies in the election of United States Senator from Texas by W. Lee O'Daniel was taken by some to be a repudiation of the Committee's action by his fellow Texans; but it

is doubtful that this is true, although he did not have complete unqualified support here, by any means.

The last public hearing before the war was on August 11, 1941, with only Starnes, Voorhis and Mason present. Since it had been impossible to locate the witness, Mary Reed, the Committee heard evidence presented by the investigator assigned to the task. The proof of her Communist affiliation was very conclusive. 63

A few days before this Dies began an attack on Leon Henderson, Administrator of the OPA, 64 and on August 12 he denounced Emil Lever, principle field representative in the Labor Division of the OPA, presenting what appeared to him to be the Communist record of Lever. 65 Henderson struck back at a hearing before the House Committee on Banking and Currency. He said that he would be guided in the hiring of personnel by the reports of the Civil Service Commission, the FBI, and the Treasury Department, and he would not fire anyone just because Dies said so. 66

Dies returned to the attack on Henderson in a public letter to the President on September 8, 1941. In it he gave the records of five employees of the OPA, contending that they proved that Henderson surrounded himself with highly paid specialists who were strangers to the American way. At least

63 H-14, Aug. 11, 1941, pp. 3645-3847.
64 CR 77-1, Aug. 8, 1941, p. 9626.
65 Ibid., Aug. 12, 1941, p. 7032-38.
fifty others, he asserted, had subversive records. Dies claimed the facts submitted were sufficient to bring about the immediate severance from the payroll of Henderson and his aides. 67

In reply to these charges Henderson said all his employees had been investigated by the proper agencies of the government, and that he would fire anyone named by the Civil Service Commission, but he did not take "funny letters to the President" as a basis for firing anyone. He went on: "Summary punitive action on the basis of one man's opinion is as un-American a procedure as anything to which Mr. Dies has yet given his attention." 68

Later in the month Dies announced that he would defer his probe of Japanese subversive activities at the request of the President, so as not to affect the current Japanese-American conversations. It had been planned to hold a series of public hearings on the subject. The situation was particularly crucial in the San Francisco area, he announced, where many industrial establishments in a small area could be sabotaged effectively. 69

The entry of the United States into the war abruptly changed the entire picture. But the Committee had changed prior to that. Somewhere between the fall of France and

68 Nation, CLII (Sept. 13, 1941), 214.
December 7, 1941 the Committee, as far as the public record shows, had disappeared. Its place had been taken by a one-man agency; not administrative, yet not legislative.

The new year brought notice of a new inquiry. Mrs. Bessie Bucchett and thirteen others were subpoenaed in Philadelphia for questioning on Bundist and anti-Semitic charges. With this came the information two members of an anti-defamation society, Maurice B. Fagan and Harry Rosenthal, might be questioned on the results of their inquiry into anti-Jewish activities. Executive hearings were held on the subject in January, but, in view of the inflammatory material presented by the witnesses, it was decided not to release any of it to the public.70

On January 15 Dies spoke in the House for an hour on the work of the Committee. He said he did so only to aid the Administration, not to embarrass it. He praised the Russians' resistance but said the danger from Communism was as great as ever. Then he set out to attack the OPA for continuing to employ Robert A. and Mildred E. Brady, launched off into a denunciation of Harold Leob as a technocrat, mentioned that Leon Henderson had been a member of a committee on technocracy and ended with an attack on the Office of Facts and Figures for employing Malcolm Crowley, whose affiliations Dies gave in detail.71

70 CR 77-2, Jan. 15, 1942, p. 408.
Later in the month, Dies promised a thorough investigation of the Ku Klux Klan, when he asked the House for a continuation of the Committee. In this same speech he made various claims regarding the Committee's investigation of Japanese activities. He promised that in a few weeks the Committee would release a full report on Japanese espionage and sabotage. He claimed that if the Committee had been allowed to hold hearings and reveal the facts they had uncovered in September, 1941 the tragedy of Pearl Harbor might have been averted.

If those hearings had gone ahead on schedule I am convinced that the Pearl Harbor tragedy never would have occurred, because we would have made public the plans of the Japanese to seize control of the Pacific. The administration did not want those hearings because it feared that they might offend the Japanese Government. . . . I yielded to the judgment of our leaders. Subsequent events proved that they were wrong and that I would have been right had I gone ahead with the hearings. 72

On February 5 the New York Times carried an advance notice of the contents of the "yellow paper," from which could be drawn the inference, if the hearings had not been stopped, the disaster at Pearl Harbor might have been avoided. 73

This publicity served to lead up the hearings before the Committee on Rules, at which the resolution continuing the Dies Committee was discussed. Representative Marcantonio insisted that representatives of the Department be called in order to determine the truth of Dies allegation that, if the

72 CR 77-2, Jan. 28, 1942, pp. 800-802.
hearings had not been prevented, Pearl Harbor might have been avoided. Marcantonio argued that, if Dies had information which he had not given to the proper officials, then he was guilty. But, if he had furnished the information, the officials were guilty.\footnote{CR 77-2, Feb. 12, 1942, appendix, p. 505.}

The Committee on Rules voted to report the resolution continuing the Committee favorably. In answer to Marcantonio's charges, Dies released a letter by Acting Attorney General Matthew F. McGuire, in which it was stated that public hearings on Japanese activities would be inadvisable.\footnote{Ibid., appendix, part 6, p. 1727.}

A few days later Voorhis declared that none of the Committee's information that he had seen was definite enough to show that a Japanese attack would take place on December 7 on Pearl Harbor or "to predict when or where such an attack might be made." The hearings might have increased the country's awareness to the danger of a possible surprise attack, he said.\footnote{Ibid., Feb. 26, 1942, appendix, p. 724-26.}

At the end of February the report on Japanese activities finally appeared. Some sections of the report make interesting reading and there is some useful information to the public. But there is nothing to indicate that its publication before December 7 would have prevented the attack on Hawaii.\footnote{cf. New York Times, Feb. 28, 1942.}

The debate on continuation of the Committee followed the usual course. The opposition stressed that the Committee had
not investigated the real threat of Fascism in this country, that at most it was a waste of time and money and that it would only serve to create dissention of one of our Allies. The supporters appealed to the record and said that it was imperative that the Committee be continued. Thomas said that it might turn out to be the "last remaining safeguard against the dictatorship of the proletariat in America." The vote was, as usual, a tremendous majority in favor of the Committee, 331 for, 46 against and 54 not voting. 78

While the controversy over granting of funds to the Committee raged, Dies made headlines by releasing to the press a letter he had sent to Vice-President Wallace attacking thirty-five members of the Board of Economic Welfare. According to Senator Lister Hill of Alabama, the Vice-President had not yet received the letter when Dies released it to the press. 79

In reply Wallace suggested that Dies should have discussed the matter with him as soon as it came to his attention, if he had been genuinely interested in helping the war effort. Rather, he said, Dies was seeking to influence the public mind by maliciously distorting the facts. He reminded Dies that we were at war and the doubts and anger which this and similar statements of Dies tend to arouse in the public mind might as well come from Goebbels himself so far as practical effect was concerned.

78 CR 77-2, Mar. 11, 1942, pp. 2232-97.
79 Ibid., Mar. 30, 1942, pp. 3204-05
... Any man who seeks to undermine faith in our government by a malicious misuse of isolated facts is a greater danger to our national safety than thousands of Axis soldiers within our borders ... I trust that Mr. Dies and others of his kind with an intense itch for publicity will use their great talents to help the United States to win this war, rather than stir up discord among patriotic Americans.80

Later in the same day Voorhis suggested again that in matters relating directly to the investigation no action should be taken except by a majority vote of the members of the Committee. He said that he had had only the faintest inkling of the proposed action and had received his first complete information from the morning newspapers, that the information had been made public before it had been given to the members of the Committee or before it had been delivered to the person to whom it had been addressed.81

The vote on the appropriation of $110,000 revealed that it had lost ground since the vote for continuation. The vote was 291 in favor, 64 against, one voting present, and 75 absent.82

In August Dies announced that he would send to the President a copy of a confidential letter from Germany which had been sent to Nazi sympathizers and which appointed a leader of German element in this country. He also promised to submit a list of 17,000 persons whose activities indicated Nazi

80Ibid., pp. 3204-06.
81Ibid., pp. 3213-17.
82CR 77-2, April 26, 1942, pp. 3754-58.
sympathies and who needed watching. This was done on August 18 and Dies claimed that it was a proof that the Committee had not been lax in its efforts against the Bund and other organizations.

The results of the investigation by the FBI of subversive activities by Federal employees was submitted to Congress by Attorney General Biddle on September 1, 1942. It constituted, in effect, a sweeping indictment of the charges submitted by the Committee. Biddle quoted with approval the verdict of the Interdepartmental Committee that "Sweeping charges of disloyalty in the Federal Service have not been substantiated. The futility and harmful character of such a broad personnel inquiry have been too amply demonstrated."

He went on to say that a large portion of the complaints were clearly unfounded and should never have been submitted for investigation. He said that hundreds of employees had been alleged to be "subversive" for no better reason than that their names appeared on the mailing list of certain organizations.

Dies reaction to this was to say that the report indicated that Biddle favored employing subversive elements.

The differences between Dies and Biddle were basic. The FBI had investigated suspect persons, determined if they were loyal or not, made its report to the responsible administrative authorities and left action to them. What Dies wanted was

simply a statement of fact as to whether the employees had ever belonged to a subversive organization. While the action of the FBI might have less spectacular results, it was certainly more in accord with Democratic tradition.

The report of the Committee on January 2, 1943 was merely a recapitulation of what the Committee had done. Section I detailed the assistance given other agencies. Section II listed the charges made about Communists in the Government service and Dies' grievances against Biddle. The third section covered the general activities since the last report. The report ended with an announcement that a comprehensive survey of the Axis front movement in the United States was in preparation. Dies, Starnes, Thomas, and Mason signed the report.84

Voorhis refused to accept the report as presented and submitted a minority report. His refusal to sign was based on a number of points. One was the fact that no meetings had been held on the subject of the report which had been presented to him on a take-it-or-leave-it basis. His major objection was that the emphasis of the report should have consisted in guidance to the American people as to how they might identify, avoid, and combat the propaganda and activities of agents and friends of nations that were enemies of the United States. He also deplored the tendency to call people names simply because their views did not agree with those of the majority.

84 Ibid., Jan. 4, 1943.
I feel that the main excuse for this Committee's existence is that it may contribute to the maximum possible extent to stiffening of the resistance of the American people to open or covert pro-Axis propaganda and to the building of a vigorous and unified democratic sentiment in the United States. The opportunity to strike a blow in that direction has been neglected.

In order to answer the attacks made on him by the National Lawyers' Guild and the New Republic, Dies rose to speak in the House on February 1, 1944 on the question of personal privilege. These attacks, he claimed, were part of a concerted effort to discredit Congress. Dies gave the names of thirty-nine employees of the Government whom he denounced as subversive and whose removal from the Government service he demanded.

On February 3, 1944 the Committee on Rules voted to extend the life of the Dies Committee and voted to add another Republican member to the personnel of the Committee.

Shortly thereafter the President announced the formation of a special administrative committee on subversive activities within the Department of Justice. It was formed of four members and its function was to review all evidence on alleged subversive activities of Government employees except in the Army and Navy. The Committee was to give advisory opinion to the departments.

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85 Ibid. 86 CR 78-1, Feb. 1, 1944, pp. 504-516.
88 Federal Register, VIII (Feb. 9, 1943), 701-3.
On February 9 the House set up a special subcommittee of the Committee on Appropriations to pass on accusations of subversive activities on the part of Government personnel. Representative John H. Kerr was appointed chairman of the subcommittee and Representative Clinton P. Anderson, Albert Gore, D. Lane Powers, and Frank B. Keefe were to assist him in this inquiry. 89

It is beyond the scope of this paper to follow the history of this subcommittee. Suffice it to say that of the first nine of those denounced by Dies on whom a report was made, only three were found to be unfit for Government service. These were Goodwin B. Watson, William E. Dodd, Jr., and Robert M. Lovett. 90

The House voted 317 to 62 to sever them from the Federal payroll. The Senate, after four rejections, gave in in order to pass a badly needed deficiency bill. 91

Prior to this the Committee had been extended for the entire duration of the Seventy-eighth Congress by a vote of 302 to 94. Voorhis, in a final appearance as a member of the Committee, voted against continuation saying that he had seen the Committee becoming "more and more a political instrument

89CR 78-1, Feb. 9, 1943, pp. 773-80.
90Ogden, op. cit., p. 276.
of definite conservative bias, and less and less a dignified, important, and effective congressional committee." 92

Jubilant over victory, Dies announced that he would start a campaign to purge the Federal payroll and to dismiss the disloyal among the one thousand persons whose names he had already submitted to Attorney General Biddle. 93 On February 18 the House voted $75,000 for the Committee. Of this amount $500 was to pay initial expenses of a libel suit filed by David Vaughn, mistaken by Dies for another man in his list of members of the American League for Peace and Democracy. 94 Representatives Wirt Courtney of Tennessee, John M. Costello of California, and Karl E. Mundt of South Dakota were appointed to fill the vacancies on the Committee. 95

On February 14, 1943 there appeared the first of a series of articles by Jack Carberry in the Denver Post, dealing with the conditions in the Japanese Relocation Camp at Amache, Colorado. At first fairly objective, the articles began to grow more and more sensational. 96 Many of these statements were later to be repeated before the Committee by other witnesses.

Before these hearings were in full swing the Committee issued a new report on Nazi activities in the United States.


According to its introduction the document had a three-fold purpose. It was to be a handbook for Government agencies and for the American people, to acquaint them with the techniques and tactics employed by the Nazis. It would identify individuals who took part in the conspiracy and present a comprehensive digest of the activities of Nazi agents and organizations prior to the war.\(^{97}\) Actually there was little presented that had not already been presented by the Committee. It received less attention in the press than any other prior release of the Committee.

Two of the Committee's investigators, Tom Cavett and Gene Hagberg, arrived in Denver on May 27, 1943 to begin an investigation of the Japanese Relocation centers. Announcement was made that public hearings would begin in Washington on June 7.\(^{98}\)

Before any open hearings had been held, the chief investigator of the Committee, Stripling, declared on May 30 that some of the Japanese paroled from the relocation camps were trained in sabotage and espionage.\(^{99}\) There were many many other such statements. It must be borne in mind that there were many on the west coast and in the Rocky Mountain area who seized upon every statement that would further their campaign against the Japanese-Americans, citizens or not. They

\(^{97}\)New York Times, April 16, 1943.

\(^{98}\)Ibid., May 28, 1943.  
as well as the yellow-press of the area, found in the hearings material on which to feed the flames of racial hatred which they were interested in fostering. They practically ignored any defence which might be made for the Japanese-Americans.\textsuperscript{100}

The hearings themselves were fair and both sides were permitted to state their positions fully. The subject matter studied was, for the most part, administrative and as such was entirely out of the jurisdiction of the Committee. Very little study was made of the un-American phases of the problem.

Dies himself had taken no active part in the hearings, but, after the Detroit race riots in June, he announced plans for an investigation of the growing racial antagonism throughout the country.\textsuperscript{101} According to the \textit{New Republic}, Mayor E. J. Jeffries, Jr. of Detroit urged Dies to keep out of the question of race riots, as another investigation would accomplish nothing.\textsuperscript{102}

The report of the Committee on the WRA appeared on September 30, 1943. The WRA was criticized for not employing experts acquainted with the Japanese language and customs, for not segregating the loyal from the disloyal, for not promoting Japanese cultural ties, for not inculcating a vigorous spirit of Americanism, for not having the FBI check on those who were allowed to leave, and many other things. Three

\textsuperscript{100}Ogden, \textit{op. cit.}, pp. 276-283.


\textsuperscript{102}\textit{New Republic}, CIX (July 1943), 5.
recommendations were made: (1) that the WRA at once start segregating the loyal from the disloyal Japanese; (2) that a board, composed of members of the WRA and the intelligence services of the government, be set up in order to check the records of those released; (3) that the WRA set up a thorough program of active Americanization.103

The report was signed by all members of the Committee except Eberharter. He very plainly stated that he could not escape the conclusion that the report of the majority was prejudiced and that most of its assertions were not proven. He thought that the WRA was doing a good job with a complex problem. In view of the legal uncertainty surrounding the case, he declared that the basic policy of the WRA had been formulated with the thoughtful aim of assuring the legality of the program as a whole.104

There were public hearings held on the Tule Lake Center beginning November 29 in Washington. Costello presided over a subcommittee of Mundt and Eberharder. The hearing was confined to the subject fairly well and they accomplished their purpose of learning the actual facts. No report was made of these hearings.

About this time Mason resigned from the Committee, and Representative Fred E. Bushey of Illinois was appointed to take his place.105

At the beginning of 1944, Dies last year on the Committee, the Committee received a new appropriation of $75,000. This, according to Cochran, brought to $625,000 the amount granted to the Committee since its inception.\textsuperscript{106}

On February 10, 1944 Dies announced that the Political Action Committee of the CIO would be investigated.\textsuperscript{107} By way of answer, Sidney Hillman, Chairman of the PAC, declared on February 18 that he had refused the request of the Dies Committee for the records of the PAC. He said he had advised the bank authorities that the Dies Committee had no legal right to examine the bank account of the PAC. He said he would refuse any demand of the Committee for records, files or documents because the Committee had no right to investigate the PAC under the resolution creating it. A legal investigation would be welcome, Hillman insisted, but he could not see how urging people to register could by any stretch of imagination be regarded as un-American.\textsuperscript{108}

Dies rose to speak in the House on March 9, 1944 on the question of personal privilege. Dies gave his version of the plot to destroy the Congressional system of government in the United States. The attacks on him were evidence of that, he said. He attacked the National Lawyers' Guild, the American Peace Mobilization, Walter Winchell, and the PAC.\textsuperscript{109}

\textsuperscript{106}CR 78-2, Jan. 26, 1944, pp. 766-7.
\textsuperscript{107}Ibid., Feb. 10, 1944, p. A224.
\textsuperscript{108}New York Times, Feb. 19, 1944.
\textsuperscript{109}CR 78-2, Mar. 9, 1944, pp. 2466-70.
Later in the House Dies said that if the Blue Network refused him time to answer Winchell, they were party to the plot to destroy American officials. 110

The report of the Political Action Committee of the CIO had as its objective to prove that the PAC represented in its main outlines a Communist conspiracy to subvert the Government of the United States to its totalitarian program. In this it failed miserably. Even such pro-Committee publications as America attacked the report as biased and politically inspired. 111

The report did not end Dies' preoccupation with the CIO-PAC. On April 29, 1944, he announced that he had ordered his New York offices to subpoena all files and records of the PAC. He charged that the PAC was trying to purge certain members of Congress, including himself. So the records would be examined, Dies explained, and a report made to the Attorney General accompanied by a demand for prosecution. The CIO was charged with violation of the Smith-Connally Act prohibiting labor unions from contributing to political campaigns.

Yet, on May 12, 1944, Dies announced that he would not be a candidate for reelection. 112 As the probe of the PAC continued Dies announced that he would give a documented

110 Ibid., Mar. 16, 1944, pp. 2729-29


112 Dallas Morning News, May 13, 1944.
denunciation of the New Deal more sensational than anything yet released by his Committee on un-American activities. 113

The subcommittee reinvestigating the CIO-PAC was composed of Costello, Starnes, and Thomas. Since two of the subcommittee could attribute their defeat to the PAC and the third was anti-CIO, their conclusions could be fairly well estimated in advance. They reported to the full Committee on October 30, 1944. The subcommittee described the PAC and its offshoot, the National Citizens Political Action Committee, as fronts through which the Communists were trying to win control of a major political party and become the principal power in the country. The report asserted that the CIO members were being coerced through fear of expulsion from their unions and from employment into supporting the political line dictated by the PAC national offices.114

Thus ends the House Committee on Un-American Activities under the chairmanship of Martin Dies.

113 New York Times, May 19, 1944.
114 Ibid., Oct. 30, 1944.
CHAPTER V

THE COMMITTEE FROM 1944 TO 1948

With the retirement of Representative Dies from Congress in 1944 it was assumed by most people that the Special Committee for the Investigation of Un-American Activities would be allowed to expire at the end of its term January 3, 1945.

On November 15, 1944, after a Republican caucus it was announced that the Committee would be dropped when its term expired.¹

On November 20, 1944 Representative Cochran, head of the Department of Accounts recommended that all of the thirty-three special investigative committees be dissolved and their functions be taken over and put under one permanent committee.²

On January 4, 1945 Representative Rankin, Democrat from Mississippi, in a move that caught most members by surprise, attached a rider to a bill, proposing that the Committee be placed on a permanent basis. It was argued that the proposal should be referred to Committee for study, but this was not done, and it was voted on at that time. The proposal carried by a vote of 207 to 186. Seventy Democrats, sixty-three from the southern states joined with one hundred thirty-seven

¹New York Times, Nov. 15, 1944.
²CR 79-1, Nov. 20, 1944, pp. 10-14.
Republicans to put the Committee on a permanent basis. Thirty-four Republicans and 150 Democrats voted against the proposal. 3

Representative Cochran attacked the Committee saying that it had withheld information from Government agencies and that at one time it had even been impossible for Committee members to learn the identity of some of the staff of the Committee or what their salary and duties were. 4

Representative Rankin defended the Committee saying that it had done valiant work in ferreting out and publicizing subversive groups and individuals. Representative Rankin then introduced into the Record a letter from the American Legion praising the work of the Committee and urging its continuance. This letter is credited by many with being the prime factor in the success of Mr. Rankin's proposal to make the Committee permanent. 5

On January 8, 1945 Representative Hoke of Michigan introduced a resolution for the repeal of the "Rankin Amendment," saying ". . . the first step which was taken when the Gestapo in Germany was instituted was to investigate, then persecute certain citizens who did not believe in the philosophy of the Gestapo. I hope that this does not happen here." 6

On January 13, 1945 Representative Edward J. Hart of New Jersey was selected to be Chairman of the Committee. Other

3Ibid.  4Ibid.  5Ibid.  6Ibid., Jan. 8, 1945, p. 35.
members were Rankin, Robinson of Utah, Bonner of North Carolina, Murdock of Arizona, and Peterson of Florida. Representative Hart was a compromise choice. He was endorsed by the PAC and at the same time was acceptable to the Southern Democrats.

The following day Attorney General Biddle expressed his approval of the choice saying, "I am glad that such a thoroughgoing American will be in charge of that Committee."8

Seeing that his proposal for the repeal of the "Rankin Amendment" had failed, Representative Hook introduced a bill on January 30, 1945 which prescribed the procedure under which an investigation must be conducted. His proposal included: 1. the requirement that the witnesses be given a copy of his testimony at its close, 2. that the witness be permitted to have an attorney, 3. that the witness be permitted to make a statement or present a written statement at the end of his testimony, 4. that the right of denial, defense, or explanation of any adverse testimony against any individual, corporation, association, or any other group be permitted, 5. that no contempt charges be brought unless a majority of the Committee voted that such charges be brought, and 6. that no member or employee of the Committee could write, lecture, speak or release for compensation any information about the

purpose, procedure, accomplishments or reports of the Committee. This proposal died in the Committee.

The House voted $50,000 on March 7, 1945 for the expenses of the Committee. Representative Rankin was quoted as saying that this "might be a starter." The vote was 314 to 54.10

On July 2, 1945 Representative Hart resigned as Chairman of the Committee saying that his doctor had advised him to curtail his activities sharply, and he felt that he should resign as Chairman of the Committee.11 Representative Rankin, who, it seems, had taken on the responsibility of spokesman, praised the work of Mr. Hart and denied that he had quit because of his inability to control the group, as the newspapers had said was the rumor.12

Representative John A. Wood of Georgia was appointed Chairman on July 12, 1945.

On July 9, 1945 Representative Havenner of California made an indirect attack on Mr. Dies, former chairman of the Committee. Speaking in the House he said that four years earlier he had been insidiously attacked while running for reelection by publication of the testimony of one John L. Leech who had testified before a Committee of one in Beaumont, Texas, that he was a Communist. Havenner claimed

10 CR 79-1, March 7, 1945, p. 492.
11 CR 79-1, July 2, 1945, p. 7142.
that he had known nothing about the hearing or the charges against him until he had seen them in the papers in political advertisements against him.

Havenner requested the Committee to ascertain, if possible, the whereabouts of this John L. Leech; issue him a subpoena and permit him to question Leech about his perjured testimony. He also requested the Committee to ascertain, if possible, the names of the persons who arranged to have Leech testify against him; and to investigate the release of the perjured testimony to the newspapers for political purposes, and the persons who authorized its release.

Representative Rankin promised that the Committee would do its best, but warned that there was little likelihood of their accomplishing anything.\(^\text{13}\)

On September 19, 1945, the Committee voted to hold hearings on September 26 to investigate Earl Browder, former head of the Communist Party in the United States, and some of his associates. The others to be heard were Benjamin J. Davis, member of the New York City Council; William Z. Foster, Communist Party Leader; Jack Statchel, Communist publicity director; and Sam Carp of Bridgeport, Connecticut.\(^\text{14}\)

Benjamin J. Davis, in an open letter to the Committee, stated that the request for him to appear before the Committee was an "attempt to interfere with the free elections" in New

\(^{13}\) CR 79-1, July 9, 1945, p. 7385.

York. He was at that time running for re-election and he complained that the summons was issued at that time for the calculated purpose of hampering his chances in that election.¹⁵

On September 26 the Committee requested the President to direct the temporary war agencies to turn over their personnel and security files to them. They specifically asked for the files of the Office of Strategic Services, Office of War Information, and Office of Civilian Defense.¹⁶ The Committee was seeking to get the files by executive order since they had failed to get them by Congressional action.

The hearings of Browder and his associates brought little new information to light. Browder refused to comment on why he had been replaced as Communist Party leader, or on what beliefs he held that were not in accord with those of the present Party leadership.

It seems that Benjamin Davis was never called to testify which seemed to bear out his assertion that he was called merely to hamper his campaign for re-election.

Exactly what the Committee desired to find out or to prove was never clear. They seemed to be merely fishing.

In an argument that the Committee must be limited in its scope, Mrs. Helen Douglass on October 24, 1945 said

No men are pure and unbiased enough to have...the immense power to discredit, denounce, and accuse which this Committee wields. Men naturally let their

¹⁵Ibid., Sept. 23, 1945.
¹⁶Ibid., Sept. 26, 1945.
prejudices enter into the picture. All things must be weighed carefully by those who must determine things as basic as another man's loyalty to his country.

She went on to say that it is a gross injury to those called before the Committee because they are condemned before the public by the press without trial or hearing.\(^{17}\)

Speaking in the same vein Representative Patterson of California said:

We, here in America, have always enjoyed the privilege of disagreeing. We have never had "thought police" here to ferret out opposing opinions and kill them. I have heard the cry "Communistic" applied in one way or another to the full employment bill, Workmen's Compensation, TVA, labor's right to collective bargaining, Fair Employment Practices Bill, anti-poll tax legislation, and many, many other measures designed for the welfare of the common man.\(^{18}\)

On November 5, the Court of Claims ruled that the rider on the Urgent Deficiency Appropriations Bill depriving Lovett, Dodd, and Watson of their salaries, and, in effect, depriving them of the right to work for the Federal Government, was invalid.\(^{19}\)

The following day the Committee announced that they had requested the scripts of the following radio commentators: William S. Gilmore, Raymond Gram Swing, Johannes Steel, Sidney Walton, J. Raymond Walsh, Cecil Brown, and Hans Jacob. A Committee spokesman was quoted as saying "the time has come to determine how far you can go with free speech."\(^{20}\) Some of

\(^{18}\)CR 79-1, Nov. 15, 1945, p. 10742.
\(^{19}\)New York Times, Nov. 6, 1945. \(^{20}\)Ibid., Nov. 7, 1945.
the Commentators were pro-communist and pro-fascist in their attitude, it was said. One commentator had gone so far as to praise the Russian war effort without giving comparative praise to the American effort. The New York Times asked editorially, "Has it come that we can no longer praise an ally in the war without being un-American? Must our every thought conform with that of Rankin and Wood?"²¹

On December 20 the Committee announced that it would investigate the Joint Anti-Fascist Refugee Committee.²² This committee, it was said, had many Communists sympathizers and fellow-travellers in its executive departments.

Representative Patterson of California, a rather consistent critic of the Committee, deplored their attack on the Joint Anti-Fascist Refugee Committee, whose humanitarian efforts, he said, had saved the lives of countless men, women, and children who had been victims of fascist terror. The Executive Secretary of the Joint Anti-Fascist Refugee Committee had properly resisted the request for the records and books of her organization, he said, on the grounds that as a relief organization its fund-collecting activities were answerable to the President's War Control Board but not to an unconstitutional "fishing expedition" by the Committee.²³

²¹Ibid.
²²Ibid., Dec. 21, 1945.
The Committee had openly announced that it proposed to "investigate all organizations aiming to influence public opinion," "This is precisely the field in which Congress has no power to legislate," Patterson said, "and in which American people should be free to act without interference. By this action the Committee sets itself up as a censor of American thought."\(^{24}\)

On February 5, 1946 Representative Patterson of California introduced a letter into the record from Ernie Adamson, chief counsel for the Committee, to the Veterans Against Discrimination, a New York organization. Portions of that letter are as follows:

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... Several of your circulars have been sent to me ... and I note that you refer to democracy several times.

I wonder if you are aware that this country was not organized as a democracy and that Section 4 of Article 4 of the Constitution reads in part as follows: "The United States shall guarantee to every State in the Union a republican form of government."

Is it your purpose to ask for an Amendment to the Constitution, or do you propose to conduct a propaganda campaign against the administration of the provisions of the Constitution?\(^{25}\)
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The Veterans organization were quick to reply.

The only interpretation which can be put on your letter is that the House Committee on Un-American Activities is now publicly on record as opposing the democracy for which Americans have always fought and in which millions of American men and women believe is the fundamental principle of our government.

\(^{24}\)Ibid.

Does the Committee intend to investigate every organization which believes in America as a democracy? Is it the purpose of the Committee to propagandize against democracy? Does the Committee propose to change our democratic form of government?

Your letters and insinuations contained in it are a flagrant and unforgivable insult to all the millions of Americans . . . who served to protect our democracy.26

Representative Patterson asked that the Committee investigate its own personnel to determine just what kind of people they had on their payroll.

J. Parnell Thomas, Committee member, held a hearing in New York on April 9, 1946. The first witness was George Marshall, Chairman of the National Federation for Constitutional Liberties. Mr. Marshall refused to open the Federation's books and records saying that the Committee was "using unconstitutional tactics and was actually undermining American democracy."

Other witnesses heard at this hearing were Joseph Gannon of the advertising section of the New York Times, and Stanley Moss of the advertising firm of Moss and Arnold. These men were questioned about an advertisement that appeared in the Times, on March 14, 1946, urging the House to abolish the Committee on un-American activities. Moss said after the hearing, "If this hearing sets a precedent, it will be a sad day for American advertising."27

After a prolonged and heated debate the House on May 18 voted an additional $75,000 to the Committee by a vote of 240

26 Ibid.
27 Ibid., April 10, 1946.
to 81. There were 101 Democrats, and 139 Republicans who voted for the bill.\textsuperscript{28}

On May 31 Representative Sabath asked the Committee to investigate the resurgence of the Ku Klux Klan in the south. He said such an investigation would prove to Representative Rankin that his assertion that there was nothing un-American in Georgia was wrong.\textsuperscript{29}

The Supreme Court, in a decision handed down by Justice Black on June 3, held that depriving Dodd, Watson, and Lovett of their salary and job was a bill of attainder and was therefore unconstitutional.\textsuperscript{30}

The Committee submitted its report on June 7. The report was prepared by a three-man subcommittee headed by Chairman John S. Wood. The Committee reported that the Joint Anti-Fascist Refugee Committee was a Communist-front organization, and recommended that its officers and sponsors be required to register as foreign agents. The report further stated that there were 150 Communist-front organizations in New York alone, and that some of the commentators investigated were guilty of issuing pro-Russian and pro-communist propaganda.\textsuperscript{31}

On June 26 Corliss Lamont, Chairman of the National Council of American-Soviet Friendship was cited for contempt of the House for his failure to produce records demanded by the Committee. The vote was 240 to 85. Lamont had testified before

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\textsuperscript{28}Ibid., May 19, 1946. \textsuperscript{29}Ibid., April 1, 1946. \textsuperscript{30}Ibid., June 4, 1946. \textsuperscript{31}Ibid., June 6, 1946.
\end{flushright}
the Committee that he could not produce the records, because he had no authority to do so. He told them the name of the officer who could do so.\textsuperscript{32}

Representative Lynch made a strong appeal for sanity and judgment. He explained that Lamont had said he had no authority to bring the books and had even gone so far as to tell them who had that authority. He further stated that the Committee had nothing on which to base their suspicion that the organization was anything but what it represented itself to be.

\ldots I take it that the Congress intended that there should be some evidence that the organization to be examined is engaged in subversive activities \ldots. We cannot expect respect for this great legislative body except if we in turn respect the rights of others. This Committee apparently goes on the assumption that it has carte blanche to investigate whomever and whatsoever it pleases.\textsuperscript{33}

On August 20 Representative Rankin, acting chairman, announced that the Committee would begin an investigation of the CIO-PAC for not registering as a lobbying organization.

Representative Patterson of California in an extension of remarks in the Appendix of the Record stated that the House had by no means delegated its full power to conduct investigations to the Committee.

The Committee was limited to

Un-American propaganda activities within the United States and subversive and un-American propaganda that is


\textsuperscript{33}\textbf{CR 79-2}, June 26, 1946, pp. 7594-95.
instituted from foreign countries or of a domestic origin, and attacks the principle of the form of government as guaranteed by our Constitution. 34

Propaganda which is permitted by the Constitutional guarantees of freedom, speech, and press is not within the scope of the Committee inquiry, Patterson said. Even propaganda which is alleged to be subversive is not within the Committee's power of inquiry unless it attacks the principle of our form of government.

From this grant of power, he said, it is clear that the Committee exceeded its authority when it investigated organizations distributing relief abroad--Joint Anti-Fascist Refugee Committee; when it inquires into matters of tax exemption--as in the case of the Council of American-Soviet Friendship; when it attacks organizations defending the Bill of Rights and advocating legislation--as the National Federation for Constitutional Liberty; when it attacks the Committee to Combat Anti-Semitism for circulating a petition in support of a Congressional resolution; when it attacks an advertising agency for placing an advertisement asking for the abolition of the un-American Activities Committee; when it seeks to examine the books and records and contributors lists of various organizations without regard to their aims and purposes and without regard to the nature of their activities, propaganda or otherwise.

34CR 79-1, Nov. 20, 1946, pp. 10-14.
Patterson pointed out that it is settled law that when a Congressional Committee or any other body to which Congress has delegated power exceeds that power, resistance to the abuse of power is justified and lawful, and it is a necessary deduction from the decision in Kilbourn vs Thompson and In re Chapman that a witness rightly may refuse to answer where the bounds of the power are exceeded, or the questions are not pertinent to the matter under inquiry; and in the case of McGrain vs Daugherty that an investigation not based on specific grounds is quite as objectionable as a search warrant not based upon specific statements of fact. Such an investigation or such a search is unlawful in its inception and cannot be made lawful by what it may bring to light.35

On October 21 the Committee announced that it would subpoena Gerhard Eisler to appear before them. Eisler had been identified by Louis H. Bunde, former editor of the Daily Worker, as being the chief secret agent for Russia here in the United States. Eisler and his wife were living in New York on visitors' permits. He said that the war had prevented their movement to Mexico as had been their plan.36

Chairman Wood announced on October 23 that the Committee had found no evidence of an atom bomb spy ring in this country.37

Dr. Harlow Shapley, director of Harvard Observatory appeared before Representative Rankin, sitting as a committee of one on November 15 to explain what part he played in the Massachusetts election contest between Joe Martin and Mrs. Martha Sharp. The

37 Ibid., Oct. 24, 1946.
subpoena called for the records of the PAC, the National Citizens Political Action Committee, the Joint Anti-Fascist Refugee Committee, and the Independent Citizens Committee of the Arts, Sciences, and Professions. Shapley said that he could not produce the records. He said that he did not even belong to the PAC or the NC-PAC. He said that he was only a sponsor of the Joint Anti-Fascist Refugee Committee, and that as chairman of the ICC-ASP he had no authority to produce its records.

During the course of the testimony Rankin ordered Shapley's attorney and secretary out of the room, and according to Shapley committed a technical assault on him by snatching a written statement from his hands. Rankin said he did "no such thing." Shapley accused Rankin of using the "star chamber methods of the Gestapo." At the end of the hearing Rankin ordered Ernie Adamson, Committee counsel, to prepare papers to charge Shapley with contempt.38

The following day Rankin announced that he would wait and ask the full Committee to pass on the recommendation for citing Shapley for contempt. There had been some discussion about Rankin's authority to cite Shapley for contempt without the full Committee's recommendation.39

On November 19 Dr. Shapley said that the Committee should be "completely abolished" to protect citizens from "secret inquisition." "In view of the recognized efficiency of the

38Ibid., Nov. 16, 1946.
39Ibid., Nov. 17, 1946.
FBI in the protection of people against real danger it seems to me that the Committee should be abolished." 40

On the following day the Regional Council of Clergymen and Laymen asked Senator Taft to continue his support of the Committee because it is one factor in preventing Communism from becoming a threat to human freedoms in the United States. 41

A subcommittee was reported to be in Los Angeles on December 3 to determine whether the movie industry needed investigation. The subcommittee consisted of Chairman Wood and Murdock accompanied by Adamson, Committee counsel. 42

Christmas Day 1946 Rankin announced that the Committee would investigate "pink teachers" when the new session began. He said that the Committee had voluminous evidence that professors of "questionable loyalties" were holding positions in which they could "influence the minds of our young people." 43

On January 2, 1947 the Committee presented its report and recommendations. Among the recommendations were:

1. Establishment of an independent commission with authority to discharge any employee whose loyalty is in doubt.

2. Legislation denying second-class mailing privileges to any organization promoting subversive or un-American propaganda.

40Ibid., Nov. 20, 1946.
41Ibid., Nov. 21, 1946.
42Ibid., Dec. 4, 1946.
43Ibid., Dec. 20, 1946.
3. Legislation denying second-class mailing privileges to foreign language publications unless such publications print an English translation alongside.

4. Legislation denying second-class mailing privileges to diplomats and foreign agents of countries not granting our diplomats and foreign agents the same privileges.

5. Legislation restricting Federal employment to citizens of the United States and prohibiting aliens from holding office in labor unions under Federal jurisdiction.

6. Publication every six months by the Department of State and Department of Justice all agents of foreign governments in the United States.

7. Establish a special division of the Department of Justice to prosecute subversive elements.

8. Legislation to promptly deport all alien Communists and other subversive elements.

9. Legislation restricting tax exemptions of "a number" of so-called educational, charitable, and relief organizations.

10. Legislation requiring the Attorney General to report to the House all prosecutions under the Alien-Registration Law.44

January 11, 1947 Representative Sabath introduced another resolution to dissolve the Committee.45 This resolution met the same fate as others of its type.

J. Parnell Thomas, new Republican Chairman of the Committee, announced on January 22 a plan of action.

In addition to focusing attention on Communists and their sympathizers in the Government and in the labor unions, Mr. Thomas has drawn up a program that includes a good airing for Communist influences in Hollywood, investigation of groups and individuals who are trying to dissipate our atomic bomb "know-how," the exposure of Communist influences in the educational system and provision for a counter educational program to offset radical propaganda. Mr. Thomas was quick to concede that the Committee made mistakes in the past. It was too melodramatic, he said. Committee members were not sufficiently held in check. There was too much seeking of personal publicity, and there were too many leaks. He said that it must be understood, however, that the Committee had powerful enemies who were quick to magnify its faults. His plan is to run the Committee on a businesslike basis, with fairness to everyone. He says emphatically that this "is not a witch hunt."46

February 19 the House voted to cite Gerhard Eisler for contempt. Eisler had refused to be sworn until he had been permitted to make a statement of three minutes duration. Eisler said that he considered himself a political prisoner.47

The chairman of the Committee, J. Parnell Thomas, announced the appointment of a three-man subcommittee on March 19 to investigate Fascist organizations. The members were McDowell of Pennsylvania, Richard B. Vail of Illinois, and John B. Wood of Georgia.\textsuperscript{48}

Also on March 19, 1947 a Washington, D. C. Grand Jury indicted 16 members of the governing body of the Joint Anti-Fascist Refugee Committee. The group was accused of conspiracy to prevent the Committee from gaining access to the records of that Committee and failure to produce the records.

The Grand Jury also indicted Richard Murford of the National Council of American-Soviet Friendship, Incorporated, and George Marshall of the National Federation for Constitutional Liberties, for failure to produce their records.\textsuperscript{49}

Representative J. P. Thomas asked Attorney General Clark on April 1 to file charges against the Communist Party for failure to register as foreign agents.\textsuperscript{50}

The Committee announced on April 15 that the "specter of Communism stalks American campuses today masked under the cloak of the American Youth for Democracy." This group, they said, was merely a Communist-front organization, and would be investigated.\textsuperscript{51}

\textsuperscript{48}CR 79-2, Mar. 19, 1947.


\textsuperscript{50}\textit{Ibid.}, April 1, 1947. \hspace{1cm} \textsuperscript{51}\textit{Ibid.}, April 15, 1947.
The American Youth for Democracy replied on April 19 that "it is impossible to escape the conclusion that present dishonest, unscrupulous attacks on academic freedom represent nothing but an effort by reactionaries to direct the attention of the students from the real problems they must face." 52

By an overwhelming majority of 357 to 2 the House on April 22 voted to cite Leon Josephson and Eugene Dennis for contempt for wilfully, deliberately, inexcusably refusing to testify before the Committee. 53 Both had maintained that the Committee was unconstitutionally set up. Dennis had not even appeared.

Thomas, on April 23, went over Attorney General Clark's head and asked President Truman to order Clark to prosecute Communists as conspirators and criminals. 54

May 3 Thomas announced from Hollywood that he was there to hold closed hearings for ten days to determine if there was Communism in the movie industry. He said he would report his findings to the full Committee on his return to Washington. 55

James McGuiness of Metro-Goldwyn-Mayer testified the next day that there were Communists in the movie industry, and anyone who denies it is either an ostrich or a fool. 56

Robert Taylor testified that he was forced to star in the pro-Russian picture "Song of Russia" in 1943 before he was

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52 Ibid., April 19, 1947.  
53 CR 79-2, April 22, 1947.  
55 Ibid., May 9, 1947.  
56 Ibid., May 10, 1947.
allowed to join the Navy. He went on to say that orders were
sent to his studio from Washington not to permit him to leave
before the picture was finished.\textsuperscript{57}

Hanns Eisler, screen writer, brother of Gerhard, was
called before the Committee, but did not testify long. He
said that when his answers were not the answers they wanted
they dismissed him. Thomas announced that his answers were
"evasive." He further announced that Eisler would be called
before the full Committee to testify when they met in Wash-
ington later.\textsuperscript{58}

Adolph Menjou said that, in his opinion, Hollywood was
one of the main centers of Communism in the United States.
After this hearing Thomas announced that it was his opinion,
based on the testimony that they had received that Hollywood
could "clean house" if it would; if not, the Committee would
do it for them.\textsuperscript{59}

On May 16 Thomas announced that the testimony had proved
that the Federal Government had aided the movie industry in
making Communist films.\textsuperscript{60} On the 28th he reported to the full
Committee that "some of the most flagrant Communist propaganda
films were produced as a direct result of White House pressure."\textsuperscript{61}

Joseph E. Davies took issue with Thomas on the matter of
"White House pressure" in a statement on June 14. He denied

\begin{footnotes}
\item[57] Ibid., May 14, 1947.
\item[58] Ibid., May 12, 1947.
\item[59] Ibid., May 15, 1947.
\item[60] Ibid., May 16, 1947.
\item[61] Ibid., May 28, 1947.
\end{footnotes}
that there had been any pressure whatsoever in the production of pro-Russian films. He said that he was friendly with the Warner Brothers, and that he had asked them to produce his book Mission to Moscow into a movie. He said that he had done so in order to further Russian-American feelings, and to aid the war effort, and that defamation of the dead President Roosevelt was very reprehensible conduct.62

On June 2 the film industry announced that it had hired James F. Byrnes to aid them in their fight for "freedom of the films."63 The Southern Presbyterians, at the close of their convention on June 3, urged the Committee to investigate the Ku Klux Klan and the Columbians, as well as the Communists.64

The trial of Gerhard Eisler began on June 4.65 He was being tried for contempt of the Congress for refusing to be sworn when he appeared to testify before the Committee. On June 10 he was convicted of contempt, and on June 27 was sentenced to one year in jail and a $1000 fine.66

Lowell Mellett, former administrative assistant to President Roosevelt, demanded that the Committee permit him to testify on the charges Robert Taylor had brought. Chairman Thomas promised that he would be permitted to tell his side while the hearings were in progress in October.67

Thomas announced on June 12 that the Southern Conference for Human Welfare was a Communist organization. The director of the Welfare group said that as far as he knew there had been no investigation of the Conference, and that he knew that there had been no hearings on the subject. He asked for a chance to refute the charges. 68

On June 26 Eugene Dennis was convicted of contempt, and on July 6 he was sentenced to one year in jail and $1,000 fine. 69

On July 16 the Federal Court convicted 16 members of the Joint Anti-Fascist Refugee Committee of contempt, and their sentences ranged from three months to six months in jail and a $500 fine, each. The Committee was having remarkable success in their contempt proceedings; every one that they had recommended had been cited by the House and convicted when tried.

The Civil Rights Congress was charged by Thomas with being a Communist-front organization on August 30. He published a list of the original sponsors including Senator Taylor of Idaho, Representatives A. C. Powell of New York, Hugh DeLacy of Washington, E. E. Patterson of California, W. A. Rowan of Illinois, C. R. Savage of Washington; President Rufus Clement of Atlanta University, and many others. 71

68 Ibid., June 12, 1947. 69 Ibid., July 6, 1947.
The Civil Rights Congress replied that this was merely campaign material to further Representative Rankin's campaign for the Senate seat left vacant by the death of Theodore G. Bilbo. They characterized the report as "pure nonsense," but since Rankin had unlimited finances behind him and Congressional immunity, they could do little to counteract his absurd charges.\footnote{Ibid., Aug. 30 and Sept. 1, 1947.}

Due to the efforts of the Committee, Hanns Eisler and his wife were ordered arrested for deportation charges. Eisler had admitted having joined the Communist Party in the mid-1930’s, but had dropped out soon thereafter, he said. No evidence to the contrary was brought out, although the names of Mrs. Roosevelt and Ambassador Messersmith had been brought into the inquiry in an attempt to prove his assertion wrong. The fact that he had once been a Communist, and that his brother was under indictment as a foreign agent seemed to be sufficient evidence for Thomas and the immigration authorities. Thomas was highly elated. "This is excellent cooperation. If the agencies of the Government will continue to cooperate it will only be a question of time until the United States will be rid of Communism," he said.\footnote{Ibid., Oct. 2, 1947.}

Having satisfied himself that Hollywood was not going to rid herself of her Communists, Thomas, on October 20, began his hearings on the Red menace in the movie industry.
to appear were Louis B. Mayer, Jack Warner, and Sam Wood, movie producers, who said that there might be a core of Communism in Hollywood, but they did not get their ideas into the pictures.\textsuperscript{74}

The next day Adolph Menjou reiterated his assertion that Communists were thick in Hollywood and had wormed their way into everything.\textsuperscript{75} Thomas agreed with him, saying that his preliminary investigation the summer before had uncovered Communists or Communist-sympathizers in high positions in the movie industry.\textsuperscript{76}

George Montgomery, Ronald Reagan, and George Murphy were of the opinion that the few Communists in Hollywood were not able to make any headway.\textsuperscript{77}

Thomas announced that he would call some of the Communists and have them admit on the stand that they were Communists.\textsuperscript{78} There were many who believed that the Committee had no right to inquire into the personal beliefs of individuals. On the same day that Thomas announced that he would call the Communists to the stand Paul V. McNutt, special counsel for the movie industry asked the Committee to cease condemning unnamed movies. He asked them to specifically name the movie, player, scene, or technician that was undesirable.\textsuperscript{79}

\textsuperscript{74}Ibid., Oct. 20, 1947. \textsuperscript{75}Ibid., Oct. 22, 1947.
\textsuperscript{76}Ibid., Oct. 23, 1947. \textsuperscript{77}Ibid., Oct. 24, 1947.
\textsuperscript{78}Ibid., Oct. 27, 1947. \textsuperscript{79}Ibid.
Following his announced plan, Thomas called John Howard Lawson to the stand and asked him if he were a Communist. He refused to answer the question, saying that they had no right to ask it. The next day, October 28, three others refused to answer the same question. They were Trumbo, Maltz, and Bessie. On October 29 Ring Lardner, Jr., Samuel Ornitz, Edward Dmytryk, and Adrian Scott refused to answer the question.80

The Committee refused to allow Lardner to make a statement, therefore he passed it out to the press. In it he said that there was some anti-American activity in Hollywood, anti-Semitism, segregation based on color and other efforts to subvert American ideas, but since he had come to Washington, he had decided that Hollywood was a citadel of freedom.81

Lester Cole was called on October 31, and when he refused to answer whether he was a Communist or not Thomas announced that the hearings were going to be adjourned indefinitely.82

McNutt said, "The abrupt termination of the hearings is a complete vindication of our position . . . . The Committee made serious charges against us, . . . those charges have not been proved."83

All ten of the individuals who refused to answer the question about their personal beliefs were to be charged with contempt. They asked Speaker of the House Joe Martin to nullify

83Ibid., Nov. 2, 1947.
the action. Since Congress was not in session, the Speaker could merely ignore the charges or he could send the charges to the District Attorney for prosecution or could wait and let the House vote on the question.

The request for dismissal said, in part, that no contempt was committed because all appropriate questions were answered, and that respect for our institutions is gravely endangered if a citizen who asserts rights guaranteed under the Constitution is threatened with contempt proceedings and punitive action for such assertions. 84

Speaker Martin decided to let the House pass on the question on November 24. 85 The House voted on each individual separately and voted to cite each of them for contempt by an overwhelming majority of 240-odd to less than 20 in each case. 86

On November 25 the movie industry voted unanimously to refuse to employ any Communists and to discharge the ten men cited for contempt. 87

This action brought out an avalanche of comment, both favorable and unfavorable. The producers based their action in firing the ten men cited for contempt on the clause in their contracts against doing anything that would bring disgrace or unfavorable publicity on their studio.

Robert W. Kenny, chief defense counsel, said,

To surrender to the demand for discrimination against individuals means that the real objective of the Committee—censorship—has been attained.

The ten witnesses who upheld the proposition that the Thomas Committee had no right to invade the realm of ideas . . . are truly the defenders of . . . [Democracy].

Charles J. Katz, another defense attorney, in a statement said,

In their rush to bow down to the Committee, the producers forget that these men are entitled not only to the presumption of innocence but also to be absolutely free from any coercion under the labor code of this state. 88

Chairman Thomas said that he was gratified with the cooperation of the producers and that he would help them all that he could, but the investigation and disclosures would continue. 89

On November 27 Representative Sabath said that the Committee was unconstitutional, because under the Legislative Reorganization Act of 1946 committees were to allow witnesses to submit written statements in advance, and a brief oral statement at the hearings. Neither of these Congressional requirements set forth in Section 133 of the Act were obeyed, he said, by the power-hungry arbitrary committee. 90

On December 12 a California Federal Judge refused Defense Attorney Kenny’s motion that he refuse to permit the transfer

88 Time, Nov. 29, 1947, p. 36.
90 CR 79-2, Nov. 27, 1947.
of the 10 men indicted for contempt to Washington for trial on the ground that the indictment was "palpably void." A Federal Judge has it within his power to refuse such a transfer if he thinks the indictment is utterly useless. Had the judge ruled in this way the prosecution would have had to defend the constitutionality of the Committee action in inquiring into the defendants beliefs before they could remove them from California to Washington, D. C.

On April 20, 1948 Lawson was convicted of contempt of Congress\(^91\) and on May 22, 1948 he was sentenced to pay a fine and serve a jail sentence.\(^92\) Trumbo was convicted on May 6\(^3\) and sentenced May 30, 1948.\(^94\) Both men appealed and the rest of the cases were continued by mutual consent to await the outcome of their appeals.\(^95\)

So ends this perusal of the House Committee on Un-American Activities, probably the most controversial Committee ever authorized by the House of Representatives.

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CHAPTER VI

AN EVALUATION OF THE COMMITTEE

BY AMERICAN PUBLIC OPINION

As the Dies Committee wound up its investigation after its first several months of stormy hearings, a survey by the American Institute of Public Opinion in December of 1938, indicated that the rank and file of American voters believed that the hearings had justified themselves.

The public's verdict did not mean that American voters approved of everything Chairman Dies and his six-man Committee had done, the survey showed. Some voters believed that the Committee had "listened to too many crackpots." Others condemned it for engaging in "outright propaganda," in "partiality," or "sheer hullabaloo."

The survey, however, did give the indication that American's were concerned about foreign "isms" and their possible extent in this country, the Institute asserted.

The survey showed that three out of every five voters were familiar with the Dies Committee. Secondly, it showed that among those who knew something about the work of the Committee, nearly three voters in every four believed that the hearings should have been continued.

The Dies Committee had been in hot water with "liberals" and New Dealers ever since its hearings began that summer.
The Committee's critics had charged it with not listening to both sides, with disregarding rules of evidence, and with attempting to cause the defeat of New Deal candidates in the November elections.

But the survey indicated that the critics of the Committee had not succeeded in discrediting it with the majority of the voters, although a strong and emphatic minority did believe that the Committee had been discredited.

The results of the survey showed that while the work of the Committee was better known in the East than elsewhere, the Committee's work had left the best impression in the south and in the automobile manufacturing states of the Great Lakes area.

The voters of both parties were in favor of continuing the Dies Committee, the survey showed, and Republicans were more in favor than Democrats.

Voters in the upper income groups had more often heard about the Dies Committee, their replies showed, but among those who had heard about it, there was little difference in the attitudes which different income classes took toward it. To the question "Should the Dies Committee be continued?" 77 per cent of the upper income group favored continuation, 73 per cent of the middle income group favored it, and 74 per cent of the lower income group favored it.¹

Among the strong critics of the Committee at that time was the Christian Century which stated:

As a Congressional investigation the Dies Committee has staged a travesty on honest inquiry which has been in its effect, a blow to the integrity of Congress itself. Congressional investigations, properly conducted, have rendered immense service to the cause of good government in years past. One has only to think of the pure food hearings of Theodore Roosevelt, of the Teapot Dome inquiry while Coolidge was in the White House, or of the munitions probe during the early years of the present administration, to understand what a valuable aid to militant democracy an honestly conducted Congressional inquiry can be. But the method followed by the Dies Committee has flouted every elementary principle of a fair hearing. After Dies, Congress will find all its investigating committees under suspicion.²

In November of 1939, almost a year later, a survey by the American Institute of Public Opinion indicated that the majority of voters still believed the Dies Committee investigation of un-American activities should be continued for another year. According to the survey, 53 per cent of the voters were in favor of continuing the committee's investigations; 14 per cent were in favor of discontinuing the investigations; and 33 per cent had no opinion.

On the other side of the argument among those voters who upheld the Committee and thought it should be continued, such comments as these were typical: "It's worth the cost to frighten un-American activities," "It's waking the American people up to some of the activities that are going on," and "We need to watch for spies now that the war has come."

In explaining the reasons for their attitude, voters in the survey tended to make very definite, sometimes extreme statements. Typical of those who were opposed to the Committee were such voters' comments as these: "Dies is just a publicity hound," "It's just a trouble-making group stirring up animosities," "They're conducting a regular Spanish Inquisition."

The general feeling of the majority in the survey was that the Committee was "uncovering facts which the United States should know about," and that "putting the spotlight on un-American activities" was especially desirable in view of the war abroad. Thus, the general tenor of the majority opinion was that, while the Dies Committee may have had its shortcomings, it fulfilled a useful purpose at that time.

The study revealed an interesting difference of opinion by political parties. A much larger proportion of Republicans than of Democrats in the survey favored continuing the Committee. Although the Committee was headed by a Democrat, barely more than half of the rank-and-file Democrats were for continuing the work.3

This study had just been completed when President Roosevelt criticized the Committee, describing as a "sordid procedure" its publication of the names of 563 government employees seized in the files of the League for Peace and Democracy, an alleged "Front" for the Communist Party. The Institute announced at

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3*New York Times*, Nov. 1, 1939.
that time that it would conduct another survey to test the public's reaction to the criticism by the President and others.

A comparison of sentiment before and after the President's remarks follows: Should the Dies Committee be Continued?
Six weeks ago ... 79 per cent, Yes; 21 per cent, No.
Today ... ... 75 per cent, Yes; 25 per cent, No.

A sharp decline in the number of voters expressing no opinion on the Dies Committee was noted in the survey. A year before 41 per cent said that they had not heard or read of the Committee or had no opinion on it as compared to 28 per cent in this survey.4

After the Dies Committee, in January, 1940, made public its report of eighteen months investigation of un-American activities, Time magazine reported:

How did it happen that the belligerent Dies Committee that ranted, raved, hurled such wild charges, spread so much alarm, could produce such a measured document?

Under extremely inadequate cover fighting has gone on in the Dies Committee a long time.
To Dies, all who tried to undermine confidence in the existing social system, promoted the idea that it is a governmental duty to support the people, advocate regimentation of industry, agriculture and labor were subjects of inquiry along with Communists. To New Dealers it was just a part of a "Smear Roosevelt Campaign."5

The Atlantic Monthly said in February of 1940, that tax reductions excepted, there is no more sure-fire political subject than patriotism, especially when our country is at war.

5Time, Jan. 15, 1940, pp. 13-14.
or in danger of war. This they said, is amply demonstrated by the House Committee on un-American activities, which if newspaper polls can be taken at their face value, has received the extraordinary distinction of being supported by three-fourths of the American people. 6

Despite the harsh criticism of the Dies Committee from many sides, it was growing in public esteem, as was shown in the report of the American Institute of Public Opinion in December, 1940. The survey showed that 65 per cent of the voters were in favor of it. One-fourth of the voters had no opinion, the same as the year before. The division of the remainder who did have an opinion was 91 per cent for continuing the Committee, to 9 per cent opposed. The year before, on the same basis, the results were 75 per cent for continuing, 25 per cent opposed.

In the survey both Wilkie voters and Roosevelt voters favored continuation of the probe, although the Roosevelt supporters were less in favor (62 per cent) than the Republican supporters (74 per cent).

Chairman Dies at that time was asking for a Congressional appropriation of $1,000,000 to continue his work for another year. The question as to whether Congress should grant him this sum was put to the voters in a second question in the Institute survey. A sizable majority favored such an appropriation. The

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whole vote was 57 per cent in favor, 11 per cent against, and 32 per cent undecided.\footnote{New York Times, Dec. 4, 1940.}

The \textit{New Republic}, a constant and consistent critic of Dies and the Committee, in an open letter to President Roosevelt said:

He \textit{Dies} has attacked Leon Henderson and four members of the staff of the OPA as being Communists or Communist sympathizers. Dies lacks almost every qualification for a good public servant, but he has a wonderful sense of timing. For years he has been working to destroy President Roosevelt politically and to sabotage the New Deal. Repeatedly he has issued his statements when they were calculated to do the most harm. Why did he try to hit the front pages just now? We believe it is because a bill is pending in Congress to control inflation, and Henderson would administer its provisions.\footnote{"Dies is At It Again," New Republic, Sept. 15, 1941, p. 323.}

\textit{Nation}, caustically said that it would be a mistake to assume that because the Dies Committee allowed subversive activity to flourish without hindrance it was inactive or that it failed to get rid of the $385,000 Congress had given it to smoke out "un-Americanism."

In its four years of existence the Committee has given the nation the considered opinion that Mrs. Roosevelt, Vice-President Wallace, Supreme Court Justices Jackson and Murphy, Secretary of the Interior Ickes, James Cagney, and possibly Shirley Temple are all fellow-travelers of the Communist Party.

They asked, why should a Congress which in four years has not seen fit to pass a single bill introduced by the Dies Committee (there had been at least nine) now appropriate another
$100,000 to keep it in existence? "These are dark hours to be spending the Republic's money on demagogy as usual." 9

Colliers, in March, 1942, urged Congress to "Keep Dies on the Job." They said that Dies goes after Communists, Bundists, Fascists, and their wartime false fronts in this country. It is a searchlight for democracy. The fact that its victims are forever trying to get Congress to cut off its funds is proof enough, they said, of its great value to the nation.

Sometimes Dies sinks his hooks into some innocent person or some harmless organization by mistake, they explained, but more often he unveils enemies of Democracy who should be unveiled for the general welfare. They said that they could not see that he had abused his powers or immunities, and that the good he had done had far outweighed the evil.

A democratic country, and especially one as easy-going as ours, is by its nature continually plagued with crackpots, and foes of its institutions. It needs something on the order of the Dies Committee for its protection. Unless a better weapon than the Dies Committee is found, we should go right on keeping the weapon shined up and provided with ammunition in the form of money. 10

In a series of articles, the New Republic in April, 1942, said "We don't say Representative Dies is paid by the Axis. But we agree with Vice-President Wallace that the 'effect on our morale' of his actions (in falsely accusing the experts on the Economic Warfare Board of being Communists) 'would be

10"Keep Dies on the Job," Colliers, Mar. 21, 1942, p. 66.
less damaging if Mr. Dies were on the Hitler payroll."\textsuperscript{11} The following week they said,

\textit{Even before this latest outburst by the Dies Committee [Economic Warfare Board episode] its activities had given off a strange odor suggesting decay. The Committee's government employee blacklist, or Red list was supposed to have been compiled from membership and mailing lists seized from Communist-front organizations. It was turned over to J. Edgar Hoover's FBI in installments--some 1400 names altogether. The FBI has had scores of agents working on the Dies lists for months, and the inquiries have cost thousands of dollars. It is understood that less than 1 per cent--much less--have been found harboring subversive views.}\textsuperscript{12}

There was very little favorable comment during this period. One must assume that those publications that favored Dies were awaiting some positive action so that they would be able to cite it in their praise.

The \textit{Christian Century} took the House to task in 1943 for supporting Dies. They pointed out that the 94 votes which were marshalled against granting Dies' plea for renewing the life of his Committee for two more years constituted a larger majority than Dies had previously confronted. They said that Dies misuse of the inquisitorial powers apparently suited the majority of Congress exactly. Nothing else, they said, could explain their having given the Dies Committee a total of $495,000, the largest sum ever appropriated for a special committee of the House. They went on to say that one does not have to be a Communist to realize the dangers, international

\textsuperscript{11}\textit{"Dies Helps Hitler,\" New Republic, Apr. 6, 1942, p. 445.}

\textsuperscript{12}\textit{"Dies Aids the Communists,\" New Republic, Apr. 13, 1942, p. 493.}
as well as domestic, implicit in Mr. Dies' extraordinary insensitiveness to our native types of fascism while he redbaits indiscriminately in all directions.\(^\text{13}\)

In an appraisal of Dies as he was about to quit Congress, Newsweek sketched his career in the House saying that for thirteen years Dies had served in Congress, the last six of which were smack in the center of the most blustery storm ever blown up over a House member. It was evident, they said, that it had begun to wear on this strapping six-foot Texan despite the fact that in those six years he had proved himself one of the ablest rough-and-tumble fighters in Washington. They went on to point out that as an anti-New Dealer Dies had unhesitatingly let evidence damaging to the New Deal prestige enter the record, even aiding abetting witnesses willing to provide it. Naturally, they pointed out, New Dealers from President Roosevelt down struck back, denouncing Dies and his methods.

As the exchanges of abuses increased, the name of Dies spread. So firmly entrenched did the Committee become, they said, that Administration efforts to terminate its existence failed repeatedly.\(^\text{14}\)

Colliers, which had been a tepid to warm supporter of Dies, said in June, 1944, that maybe Dies wants to go back to

\(^{13}\)Christian Century, May, 1943.
private life or maybe he was afraid that he could not win; they didn't know and they didn't much care.

They said that they were convinced, however, that Dies' Committee performed services which added up heavily on the black side of the ledger, in spite of all the times that Dies hit some innocent person or group. They said we need a watchdog of the type the Dies Committee has been—a group of official vigilantes—to keep exposing the tactics, pretensions and plots of the would-be destroyers of Democracy, and thereby keep them cut down to their correct size.15

Leonard D. White writing in the American Political Science Review said that one improvement is greatly needed in Committee contacts.

I refer to the need of protecting officials and citizens against the unintelligent and intemperate attacks to which they are sometimes subjected by Committee members. Congress can ill afford such displays . . . they impair respect for Congress and for Congressmen . . . . In ways which are subtle but nonetheless compelling, the behavior of a small minority who do not understand the ordinary courtesies of human contact and the purposes of Congressional control can be curbed and ought to be disciplined . . . .16

Life in March, 1945 gave a fairly objective appraisal of the Committee and its Chairman. They ask, "What was wrong with the late Dies Committee?" and then proceed to answer the question.

15"Dies Departs," Colliers, June 24, 1944, p. 82.

One thing, certainly, the prejudicial and primitive methods of its Chairman Martin Dies. In six years he spent $675,000 investigating "un-American activities." At the end of it he had made so many enemies, so few friends that he decided not to run for re-election. But though Martin Dies is politically dead, his Committee is not. Congress has established it on a new and permanent footing.

The new Committee's auspices are better. One of its Republican members, Karl Mundt of South Dakota has begun his job in a very serious and public spirited manner. He has written to both friends and foes of the Committee seeking advice.

One piece of advice to the new Committee is easy: avoid Martin Dies' obvious bias and errors. The Dies Committee's high-handed methods and procedures are easily corrected if the new committee obeys a single injunction—play fair. 17

Clifford Forster in Commonweal, October, 1945, traces the Committee from its inception to the time when Dies quits it. He said that they started on a reportedly impartial, non-partisan basis but the Committee rapidly degenerated into a witch-hunting organization. He says that in the first six years of its existence from 1938 to 1944, practically no legislation resulted from its work. Even the Smith Sedition Bill was enacted mainly as a result of the fall of France, he said. According to him it is a matter of conjecture as to how many broken careers, heartaches, and distress were caused by the reckless manner in which Dies permitted the Committee to operate.

There was some slight residual of material exposed to publicity which might have otherwise remained concealed, he admits, but whether the good outweighs the bad depends largely on one's personal political convictions, he says.

"The great expectations of the supporters of the Committee have been in vain. The Committee merely became a vehicle on which Dies rode to attack those with whom he disagreed or who were personally objectionable to him," he concluded.18

Walter Gellhorn, professor of Law and member of the faculty of Political Science at Columbia University used the columns of The American Scholar "In Defense of American Activities." He starts at the beginning of Congressional investigations, showing how they should be used and pointing out their benefits. He could not agree that the Committee on Un-American Activities was the ideal type of committee.

"There is ground to believe that the House Committee on Un-American Activities obstructs rather than advances the people's welfare. Its reports are calculated to confuse rather than enlighten, distort as well as reveal facts."

He says that if more honorable methods are imposed, it should be done by the House itself, rather than the courts or some other agency. He says that there is no question of the power. The House can direct its agent to conduct itself in a way which befits the dignity of a national legislature of the world's greatest democracy.

There is nothing impractical about a fair procedure in legislative investigations, he said. The House, he continued, ought to impose one on a committee which, after a decade of

irresponsible behavior earned the judgment of the American
Civil Liberties Union that, "Nothing in recent years has been
so un-American as the Un-American Activities Committee."\(^{19}\)

School and Society asks

What, after all, are un-American activities . . .

One can only wonder what the members of the Committee
would think if they saw the posters announcing the Com-
munist meetings, or discussion of Marxism, or tables
filled with Communist literature in English Universities.
The English attitude is based on a concept of democracy
that every individual has a right to freedom of speech
and thought, a concept which most of us had considered
to be a part of the American heritage.\(^{20}\)

One may state that the majority of rank-and-file of the
American people approve of the Investigation of Un-American
Activities, although many of them did not approve of the methods
used.

The majority of the periodicals, and particularly the
more liberal ones, disapprove to some extent of the Committee
as it is, and has been constituted. Most of them favor some
type of investigation, however.

\(^{19}\) Walter Gellhorn, "In Defense of American Activities,"

\(^{20}\) School and Society, March 29, 1942, pp. 234-5.
CHAPTER VII

CONCLUSIONS AND RECOMMENDATIONS

Every democracy faces a constant dilemma. For in a true democracy all the people of every sort, kind, and description are free—-even the people who do not believe in freedom. In recent years particularly, such people have taken to forming organizations with the avowed purpose of seizing supreme power, eliminating the freedom of everyone except themselves, and destroying the very democracy that makes it possible for them to form such organizations. To further complicate the problem, these organizations have been largely guided in their actions by the dictates of foreign governments.

None of the "simple" solutions of this problem will work. No democracy can safely embark on a course of trying to put ideas in jail. Suppression by law violates fundamental democratic principles. Furthermore, it only drives the movement underground. On the other hand, those who advise that nothing be done do not realize the determination and unswerving devotion which characterizes a totalitarian movement.

Trust in its own people's good judgment is the one thing which a democracy can do to protect itself. The American people will not deliberately choose either a fascist or a communist dictatorship for their country. "Democracy's best defense,
therefore, lies in exposing all the facts about totalitarian movements, and thus, enable its own people to pass intelligent judgment upon them. To accomplish this requires from time to time, an investigation of un-American activities. ¹

To be effective such an investigation must create in the public mind the clearest possible distinction between fascists and communists on the one hand, and all loyal citizens, however radical or conservative their views, upon the other hand.

Such an investigation can become a political instrument pure and simple. It can easily be used to discredit perfectly legitimate minority opinion, and thus undermine democracy itself. The whole affair must be conducted with scrupulous care, fairness and adherence to demonstrable fact.

The line that marks off un-American activities must divide people on the basis of their loyalty. If a man's loyalty is to the United States, its Constitution, and basic institutions, he is not un-American, whatever may be his ideas about labor unions, States Rights, capitalism, or Wall Street. If a man's loyalty is to some other government, or if he is fundamentally disloyal to human freedom and wants to destroy it, then he is un-American, even if he is a deacon in the Baptist Church, a Member of Congress, or president of the local bank.

The Supreme Court has repeatedly declared that the only Constitutional justification for the exercise by a Committee

¹Jerry Voorhis, Confessions of a Congressman, p. 208.
of Congress of inquisitorial powers is to further the legis-
lative process.\textsuperscript{2} To search for treason or disloyalty for the
purpose of punishing is a power reserved to the executive
branch of the government, a power which is effectively exer-
cised by the FBI.

The Committee devoted its energies almost exclusively to
discovering and harassing persons and groups whose political,
social, and economic views may be classified as liberal to
radical. For example, its attack on the Political Action Com-
mittee, the Joint Anti-Fascist Refugee Committee, Leon Henderson,
and the Washington Committee for Democratic Action.

With the exception of the year of 1940 when, it seems, the
Committee did try to uncover all the evidence it could on all
types of totalitarian movements in the United States, and the
perfunctory examination of G. L. K. Smith, those whose views
and activities leaned toward Fascism, or who supported the
principles of dictatorial exercise of governmental power did
not receive any very concerted attention from the Committee.

The Committee, in passing judgment on the loyalty of in-
dividuals and groups, used as its criteria, terms so broad
and general as to be practically meaningless. "The use of the
phrase 'un-American propaganda,' which is vague, undefined and
undefinable, left the Committee free to follow its own \( \text{Judg-
ment} \)."\textsuperscript{3}

\textsuperscript{2}McGrain \textit{vs} Daugherty, In re Chapman, Kilbourn \textit{vs}.
Thompson, et al.

\textsuperscript{3}Franz Boas, "Opinion Not Subject to Inquiry," \textit{Forum},
CIII (Mar., 1940), 156.
There is no generally accepted definition of Communism. The Federal Statutes do not even use the word Communism. In the Sedition Act of 1940 Congress obviously had Communists in mind, along with others, when it imposed its ban on those who advocate the overthrow of government by force or violence. But the Committee has not been content with that narrow definition of Communism. In fact, if we are to believe Mr. Rankin, anyone who favors the Fair Employment Practices Committee or abolition of the poll tax is a Communist. Other words such as "subversive," "red," "pink," "fellow traveler," "front organization," and many others are equally as difficult to define as Communism or un-American. That the Committee did not define these terms and use them according to that definition is to be deplored. One cannot escape the conclusion that the Committee passed up an invaluable opportunity to make a real and lasting contribution to the country they were striving to serve, by their failure to do so.

When the Committee published lists of "subversive" individuals including the names of Eleanor Roosevelt, William Allen White, Heywood Broun, Leon Henderson, and Archibald MacLeish, and other lists of "subversive" individuals including the names of Leon Josephson, Eugene Dennis, Benjamin Davis, and Gerhard Eisler, one can only draw the conclusion that to the Committee, anyone from a "liberal" to an admitted Communist with whom they did not agree was subversive.
It can therefore be concluded that in order to protect our democratic form of government and institutions, Congres-
sional inquiries into activities and movements of those, who under the freedom granted by our laws, are trying to foment revolution or overthrow our government by some other force or violence, are not only desirable but often necessary.

Politicians have found "red-baiting" an easy means of winning applause. Honest American attempts to improve the functioning of our own system of government have time and again been denounced as radical and un-American.

A committee, with honest and straightforward investiga-
tion, could end much nonsense of this kind.4

There is the possibility of divisions among our people growing deeper and ever deeper until there is at last no cross-
ing over of understanding. Such a result will be more likely if the work of such a committee degenerates into a castigation of any loyal American simply because he seeks to make change faster than the majority is willing to go.

It is when powerful, highly disciplined forces pre-
sume to fetter the human mind, to condition it to cruelty, to make it afraid of new clear thoughts that we must rise with all our strength and say no. This is why we must oppose and expose and weaken, if we can, every totali-
tarian movement. . . . The only course for the man who would defend freedom, is to defend it on all fronts and against all enemies at once. His methods of defense must be such as to do no violence to the principle which he seeks to save.5

To be successful a committee that is honest and straight-
forward should:

5Voorhis, op. cit., p. 231.
1. Be so set up that there is no doubt as to what it is to investigate, both as to subject and scope.

2. Have and strictly adhere to a plan of procedure as to conduct of the investigation, evidence, and publicity. This plan should include:
   
   a. Executive sessions and only hold public hearings when it is in the public interest to do so.
   
   b. Permit only that testimony that can be substantiated and proven to be included in the record.
   
   c. Prohibit the making of public statements of any kind by Committee members or personnel about the work or findings of the Committee.
   
   d. Make regular reports and recommendations to the Congress.

3. Be subject to censure and citations of contempt of the Congress for violations of the rules governing the Committee.

4. Have at least seven members, not more than four from one political party, chosen on the basis of their interest in the investigation and their lack of bias or prejudice.

5. Have the power to expel by a majority vote, any member who, in their opinion, is not serving the best interests of the Committee.

6. Have subcommittees of not less than two members to hold hearings solely for the purpose of advising the full committee on the advisability of conducting investigations. Such
subcommittees should be governed by the same rules as govern the full committee.

7. Permit the witnesses to present a written or short oral statement either before or after the hearing.

8. Permit the witnesses to have counsel to advise them.

9. Permit the witness or his counsel to refute any derogatory testimony about him and to cross-examine any witnesses who have accused him or made any derogatory remarks about him.
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