



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 23, 2022

MR. JOHN R. GREENEWALD JR.
SUITE 1203
27305 WEST LIVE OAK ROAD
CASTAIC, CA 91384-4520

FOIPA Request No.: 1406957-000
Subject: DIES, MARTIN, JR.

Dear Mr. Greenewald:

The FBI has completed its review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☐ (b)(1)

☐ (b)(2)

☒ (b)(3)

50 U.S.C., Section 3024 (i)(1)

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☒ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

325 pages were reviewed and 317 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.



See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

This is the first and final release of information responsive to your FOIPA request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Based on the information you provided, we conducted a main entity record search of the Central Records System (CRS) per our standard search policy. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

Records that may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

A record that may be responsive to your Freedom of Information/Privacy Acts (FOIPA) request has been transferred to the National Archives and Records Administration (NARA). If you wish to review these records, submit a Freedom of Information Act (FOIA) request to NARA, Special Access and FOIA, 8601 Adelphi Road, Room 5500, College Park, MD 20740-6001. Please reference the file number HQ 62-109090, HQ 100-50869, 61-HQ-7559, 61-HQ-7603, 61-HQ-7560, 100-HQ-1469, 40-HQ-3798 Sub A, 100-HQ-121, 105-HQ-34237-A, 100-HQ-121-6, 100-HQ-33049-A, 105-HQ-34237-33-A, 58-HQ-7121, 140-HQ-6436, 100-HQ-100123, 100-HQ-108348, 65-HQ-4306 Sub A, 65-HQ-4832, 65-HQ-6225, 100-HQ-4590-A, 100-HQ-33049, 100-HQ-33049 Sub A, 100-HQ-328016, 100-HQ-331211, 100-HQ-336021, 61-HQ-7341 Sub 5, 61-HQ-7341 Sub 9, 61-HQ-7341 Sub 15, 61-HQ-7347, 100-HQ-4590, 100-HQ-4590 Sub A, 100-HQ-4809 Sub A, 100-HQ-3587, 100-HQ-4428 Sub A, 100-HQ-4481, 100-HQ-1170 sub A, 100-HQ-1287, 100-HQ-1469, 100-HQ-1572, 61-HQ-7562 Sub A, 100-HQ-8871 Sub A, 100-HQ-9749 Sub 26, 100-HQ-7063, 100-HQ-128996, 100-HQ-92637, 100-HQ-95014, 61-HQ-10149, 61-HQ-10355, 61-HQ-10355 Sub A, 57-

HQ-407, 57-HQ-407 Sub A, 61-HQ-10498-A, 100-HQ-56674, 100-HQ-60523, 100-HQ-62018, 100-HQ-68702, 100-HQ-54502, 61-HQ-10490, 61-HQ-10498, 61-HQ-10498 Sub A, 44-HQ-261, 44-HQ-802, 44-802 sub A, 61-HQ-7587, 61-HQ-7632, 61-HQ-7850, 100-HQ-9749 Sub 31, 100-HQ-10122, 100-HQ-10355, 100-HQ-11146 Sub A, 100-HQ-11507, 100-HQ-11820, 100-HQ-13758, 100-HQ-13767 Sub A, 100-HQ-28027, 100-HQ-28165, 100-HQ-24409, 100-HQ-24427, 100-HQ-24499, 100-HQ-24699, 100-HQ-25869 Sub A, 100-HQ-33049 Sub A, 100-HQ-33049 Sub 1, 100-HQ-33049 Sub 6, 100-HQ-33049 Sub 19, 100-HQ-33049 Sub 30, 100-HQ-33049 Sub 33, 100-HQ-33049-34 Sub A, 100-HQ-119, 100-HQ-135, 100-HQ-5673, 100-HQ-6611, 100-HQ-7002, 100-HQ-7046, 61-HQ-5124, 61-HQ-6509, 61-HQ-6728, 61-HQ-7231, 61-HQ-7247, 100-HQ-18610, 100-HQ-18830, 100-HQ-21601, 100-HQ-135-120, 100-HQ-61, 100-HQ-10123, 100-HQ-22337, 105-HQ-18057, 65-HQ-52109, 100-HQ-165656, 100-HQ-181041, 100-HQ-184960, 101-HQ-2419, 97-HQ-114, 65-HQ-10492, 65-HQ-14218, 65-HQ-29767, 65-HQ-24457, 61-HQ-7559, 61-HQ-7567, 61-HQ-9085, 61-HQ-1053, 65-HQ-8946, 65-HQ-7267 Sub A, 65-HQ-14760, 65-HQ-9748, 65-HQ-10325, 65-HQ-11077, 65-HQ-14201, 65-HQ-17748, 65-HQ-21775, 65-HQ-27618, 65-HQ-31874, 61-HQ-7462, 61-HQ-7850, 100-HQ-14607, 100-HQ-23440, 100-HQ-128634, 100-HQ-128996, 100-HQ-132172, 61-HQ-6728, 61-HQ-7565, 61-HQ-7587, 100-HQ-199366, 100-HQ-202116, 100-HQ-202534 Sub A, 100-HQ-205733, 100-HQ-207019, 100-HQ-210364, 61-HQ-9627, and 101-HQ-00-260x.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:


- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
 - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
 - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: **<http://www.theblackvault.com>**

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

ACLU Director Defends Group From Accusations Of Communistic Leanings

Patrick M. Malin, executive director of the American Civil Liberties Union Thursday defended his organization here from segregationists' charges that the ACLU is a Communist front organization.

Charges that the ACLU spends its time defending Communists "simply are not true", Malin said in an interview before a scheduled speech at the American Friends Service Committee headquarters on Government St. He is scheduled to make a similar talk on the Tulane University campus in New Orleans Friday night.

About 75 persons, including a handful of Negroes who sat in the back of the assembly room, heard Malin's talk here. The meeting was held without incident, but unknown persons attached a sign to the hall's door lettered in red paint reading, "Hear Comrade Malin—A report on the progress of the

Communist Party to bring integration to Louisiana."

Aftermath of Probe

Malin's appearance stemmed from a legislative investigation of 66 LSU professors among 600 signers on a petition opposing the school closing procedure in the Joint Legislative Committee on Segregation's 1958 proposals. Sen. W. E. Rainach, chairman, and William Shaw, counsel for the committee, charged the ACLU with being a Red-dominated organization spending most of its time defending Communists.

Malin said that charges that the (Continued on Page 8-A, Col. 3)

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J. G. Mc

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ACLU

(Continued From Page 1)

ACLU's board of the years was "replete with Communists" are unfounded. He said only two have ever been on the board, one resigned and another was put off the board.

He explained the total percentages of ACLU cases dealing with national security or loyalty was about 30 per cent.

"Hate them as you do," he said, "Communists have civil rights. In a democracy unlike a dictatorship, you can't pick and choose who the law protects. If you pick and choose, you then become that much a dictatorship."

Ticking off the list of present ACLU board members, the executive director named bank directors, newspaper publishers, attorneys and a golfing companion of President Eisenhower. He explained the board's vice-chairman is Francis Biddle, former U.S. attorney general "who started the list (of subversive organizations) on which we have been falsely accused of being."

Cleared by Dies

He also pointed out that Martin Dies, chairman of the House Committee on Un-American Activities announced after a 1939 investigation that he found "no evidence that the ACLU was communistic or Communist-controlled organization."

Malin said he personally approved of the 1954-55 Supreme Court decisions holding segregation in public schools illegal. Asked when he thought segregation would be ended in the South, he said, "I used to say the year 2000, but I am now less optimistic than I used to be."

The segregationists' accusation that ACLU spends 90 per cent of its time defending Reds, Malin said, originated with John L. Lewis, United Mine Worker chieftan, before a Congressional committee headed by the late Hamilton Fish. "We were defending the rights of an independent miners union to hold meetings at the time," he added.

Lewis, he said, read the 90 per cent estimate into the committee's record "and it was repeated by Sen. Rainach this month in the charges before the Louisiana Legislature."

He said the ACLU is protesting the methods being used in the investigation of charges against Sherman Adams, adding, "No one is too high for our protection."

Claims Violates Rule

He said the House is violating its own rule which ACLU backs that defamatory evidence should be taken in secret sessions.

Malin continued that his organization has defended the freedom of speech of German Bundists in New Jersey and Western Union and William Randolph Hearst against an investigation by Justice Hugo Black when he was chairman of the Senate Lobbying Committee.

Referring to the accusations made by Shaw and Rainach, Malin told the meeting, "I want to compliment the newspapers in Baton Rouge and New Orleans for fair and comprehensive reporting of the entire incident."

Tracing the history of his organization, he said it was organized in 1920 as an outgrowth of the civil liberties bureau of the World War I American Union against Militarism.

'Absolutely Untrue'

But he labeled Shaw's statement that the ACLU was founded by German groups who opposed the war "absolutely untrue."

In 1953, he said, the ACLU sharply criticized northern liberals for their Senate filibuster against the submerged lands act which returned to Louisiana control of up to three miles into the Gulf of Mexico.

"We felt it was just as wrong for them to filibuster against the tidelands act as it was for southern senators to filibuster against civil rights legislation," Malin explained.

In 1957, he added, the ACLU intervened in the Clinton, Tenn., segregation case, where 10 persons, including segregationist John Kasper were found guilty of contempt of a federal court injunction.

"We felt the judge went beyond his authority in prohibiting peaceful picketing in the injunction. To that extent we opposed it."

Malin's speech was at the American Friends Service Committee headquarters. It was shifted there after the Woman's Clubhouse refused permission to use its auditorium.

In New Orleans, Loyola University withdrew permission for use of its facilities for a similar speech Friday night.

However, the address was shifted to the Tulane University campus.

Committee Organizes

Earlier, a seven-man legislative committee organized for its probe of alleged subversive activities at state colleges and universities.

A 10-man legislative committee was appointed to hunt pro-integration sentiment at LSU, headed by Sen. W. M. Rainach, Louisiana's top segregation leader.

Rep. Lester Vetter of Red River Parish also pushed through a broader probe of all higher education in Louisiana.

The resolution calls for the probe to determine whether any faculty members "are involved in unAmerican activities or are associated with Communist front organizations and in addition, whether such views, if held, are being taught our students."

Vetter was named vice chairman of the seven man committee Thursday, with Sen. F. E. Cole of Many elected chairman. It is customary for a senator to be chairman of a joint committee.

Explains Probe Need

Vetter said the next meeting would be held July 15, five days after the close of the current 60-day session, to establish policies and procedure.

Cole said, "I don't know whether we will find anything. I'm not in favor of any witch hunt."

Vetter said Wednesday he thought the LSU probe cast a "stigma on all our colleges. It's only fair that we should hold an investigation and clear them."

Rainach's committee held one meeting, at which LSU president Troy Middleton and five deans defended the right of the faculty to oppose the segregation bills, adding that LSU's policy was to operate segregated insofar as the federal courts permitted.

The committee sent questionnaires to the 66 faculty members and hasn't met since. Rainach said two meetings probably would be held next week.

When the LCLU petition was released, Rainach said, "The ACLU has been defending communists all over the United States."

Malin asked to appear before the committee. Rainach replied he would hear only Louisiana residents.

Malin said Thursday night that his speeches in Louisiana were an answer to the charges which Rainach's committee would not permit him to present at a committee session.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **WASHINGTON, D. C.**

FILE NO.

b7E

REPORT MADE AT Baltimore, Maryland	DATE WHEN MADE 4-28-42	PERIOD FOR WHICH MADE 12-17, 23, 30-41; 1-1-42	REPORT MADE BY B. E. PRIMM EB
TITLE FLOYD MILLARD RIDDICK, was			CHARACTER OF CASE REGISTRATION ACT

SYNOPSIS OF FACTS:

Subject critical of present U. S. Administration and of our form of government. He is suspected of being pro Nazi and blames present world conflict on President ROOSEVELT. Reported that he does research work for Political Science Unit of Columbia University and writes material dealing with the happenings in Congress and legislative procedure. Mail cover indicates he receives public documents from members of Senate and Congress. Bank account reflects nothing unusual. Associates and organizations to which he belongs, if any, not known. No credit or criminal record, Maryland.

- R U C -

REFERENCE:

Report of Special Agent E. F. COYLE dated November 10, 1941 at Washington, D. C.

DETAILS:

AT HYATTSVILLE, MARYLAND
- - - - -

Informant #1 on December 23, 1941 advised that the subject resided at Maryland. He stated that there has been considerable comment in the neighborhood where the subject resides relative to his views and criticism of this country's government; that he and neighbors suspect RIDDICK of being pro Nazi. He described him as being a well read and cagy person who takes a viewpoint and puts up a convincing argument for it although his statements in support of his viewpoint are not always

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APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
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logical. This Informant stated that his suspicions regarding RIDDICK's present Nazi tendencies are based upon the under-current of his conversations rather than any definite statements he has made to definitely substantiate this suspicion; that RIDDICK is very subtle and is very careful not to say anything definite. He advised that RIDDICK criticizes the American form of government continually and voices a great personal antagonism for President ROOSEVELT. He has made the statement to this Informant that he was strictly behind ROOSEVELT until 1937 and is now against him in everything he does. He has likewise made light of the United States Navy and wisecracks about the inadequacy of its listening devices. RIDDICK mentions often that HITLER has done great things for Germany and cites as examples his building of super highways and public buildings. This Informant knew of no organizations of a subversive nature to which RIDDICK belonged but stated that the subject's whole conversation has that bent that leads you to suspect his sympathy with the present German government and that he continually criticizes our government.

Informant #1 stated that RIDDICK had told him that he was educated in Germany for two years on a fellowship. He knew nothing of RIDDICK's associates but described him as having no Christian Ideals whatever and about whom it is reported, that he is a Legislative Advisor at the Capitol. RIDDICK, according to this Informant, does a lot of writing on the typewriter; and it is his custom every day to leave his home about 11:30 A. M. supposedly for the Capitol. This informant remembered that RIDDICK received either a #2 or #3 mail sack recently, to the best of his memory, from the Government Printing Office.

Informant #2 stated that it was her understanding that RIDDICK does research work for the Political Science Unit of Columbia University and also writes for what she described as "Congressional Intelligence" in which writings he summarizes the happenings in Congress. She stated that RIDDICK was soon to make a speech in New York City in connection with some political science affair there. This informant knew of no organizations to which the subject belonged nor did she know any of his associates. She stated he criticizes the American form of Government and said that it is going to undergo a change and become altogether different from its present form. He thinks that we will have a Dictatorship and that when such a change occurs he will be one of the important cogs in it. She believes that RIDDICK has a leaning toward the German National Socialism yet he makes statements to the effect that President ROOSEVELT is as regards to Dictatorship, as bad as HITLER. Informant #2 described him as a peculiar individual of peculiar ideas and that his line of conversation is confusing to her in that she is unable definitely to ascertain from his conversation his exact stand with regard to many subjects. She advised that RIDDICK will not have a radio in his presence or read a newspaper which restrictions she claims he subjects

himself to in order that he may form his own unprejudiced opinions. She also stated that he at one time took a German propaganda sheet the name of which she did not know. She commented that the taking of this German newspaper appeared to be contradictory to the restrictions he placed upon himself relative to the radio and the reading of newspapers.

RIDDICK has made the statement to Informant #2 that the United States has caused Germany to wage the present war and that he has papers to prove that President ROOSEVELT is the cause of the whole thing from beginning to end. This informant did not believe that RIDDICK would take an active part in the overthrow of this government even though he criticized it unmercifully, but would be one to rejoice if what he terms our corrupt government was overthrown and changed, which she believes that MRS. RIDDICK shares with her husband's views.

Informant #3 upon interview gave the following information.

RIDDICK and his family purchased his home at [redacted] and moved into it last summer. RIDDICK writes a great deal and this Informant's wife has observed him going through motions, such as things used by one making or practicing a speech. RIDDICK was at one time quite critical of the present national administration especially the spending program such as the FWA and WPA. This informant had not heard RIDDICK make any statements of a subversive nature and had not recently heard him criticize the present United States Government. RIDDICK had informed this informant at one time that he did a lot of reading and frequented the Congressional Library. He knew none of the subject's associates.

MRS. PAUL JEFFERSON, [redacted] described RIDDICK as being a friendly man and stated that he was very much opposed to the present administration. She advised that he had made the statement that HITLER had done a lot for Germany. It is to be noted that MRS. JEFFERSON had been practically an invalid for the better part of the last six months and has not had much opportunity to converse with or observe the subject.

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Informant #4 stated that she had worked for RIDDICK as a Stenographer in his home for the short time that MRS. RIDDICK was in the hospital. She advised that RIDDICK had told her that much of the work she was doing for him was for a book he was writing. She stated that he would alternately dictate and cut from the Congressional Record, ^{that} subject matter of the dictation dealt with Congress and legislative procedure and summarized the happenings in Congress. She added further that the subject

had informed her he was doing research work for Columbia University. This informant stated that RIDDICK's conversation and ideas expressed by him give her the impression that he was definitely against the present national administration and that she sensed that he did not approve of our Democratic form of government and admired the National Socialist Government of Germany. She considered him slightly pro German and was of the opinion that his wife shares his views in this respect. This informant further commented that his mother-in-law visited him at the time she worked for the subject and that it was not uncommon for the mother-in-law, the subject's wife and the subject to talk German.

MRS. PATRICK CULLEN, [] advised the writer that she had met the subject on only one occasion and described him as a quiet, mild mannered man. MRS. CULLEN knew of none of the subject's associates and was unable to give any information regarding the probability of his having any un-American tendencies.

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The records of the Prince Georges County Police Department, Hyattsville, Maryland, Office of the Commissioner of Motor Vehicles, Baltimore, Maryland and the Identification Division of the Maryland State Police at Pikesville, Maryland were checked against subject's name with negative results.

MRS. BETTY DOTTERER, Prince Georges Credit Bureau, Hyattsville, Maryland, likewise advised that that office had no record pertaining to the subject.

It was learned from confidential source TB that RIDDICK's bank account reflected nothing unusual so far as deposits and withdrawals; most of the withdrawals appeared to be for Doctor bills and current expenses. It was impossible to ascertain the source of his deposits which were not unusually large. RIDDICK had both a savings and checking account and his checking account was a joint account of the subject and his wife MARGUERITE F.

RIDDICK.

A 30 day mail cover was placed on December 23, 1941 on all mail addressed to the subject's address, [] The results of this mail cover which are believed of possible value to this investigation are as follows:

ADDRESSOR	NATURE OF MATERIAL	WHERE POSTMARKED
ROBERT F. WAGNER U. S. Senator	Public Document U. S. Senate Committee on banking and currency	Washington, D. C.

ADDRESSOR	NATURE OF MATERIAL	WHERE POSTMARKED
HUGH TRUMAN, U.S. Senator	Public Document Investigation of the National Defense Program	Washington, D. C.
WRIGHT LATMAN, Member of Congress	Public Document	Washington, D. C.
HENRY B. STEAGALL, Member of Congress	5 pound package Public Document, Price Control Bill Hearings Before the Committee on Banking and Currency	
MARTIN DIES, Member of Congress	Brown envelope, 1 inch thick, marked Public Document, In- vestigation of un- American propaganda activities in the United States	
Name not legible, Member of Congress	Brown official envelope marked, Committee On Patents	Washington, D. C.

The results of this mail cover are being placed in the 1 A Section of this File.

-- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN --

INFORMANTS

Informant #1

=

Informant #2

=

Informant #3

=

Informant #4

=

Confidential Source TB

=

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1406957-000

Total Deleted Page(s) = 3

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Page 2 ~ b7E;

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1406957-000

Total Deleted Page(s) = 3

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FEDERAL BUREAU OF INVESTIGATION

This Case Originated at: BUFFALO, NEW YORK		File No. 	FW	b7E
Report Made at	Date When Made	Period for Which Made	Report Made By	
BUFFALO, NEW YORK	4-30-42	3/26, 4/14, 23, 24, 27/30/42	JOHN D. YOUNG	
Title	Character of Case			
"CHANGED"	ESPIONAGE - G			
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>				

SYNOPSIS OF FACTS:

Subject interviewed and stated that he was not a German spy. Subject advised that he was desirous of obtaining a position working for the Federal Bureau of Investigation or any other American agency because he hated Germany and all that Germany stood for. He stated that he had a lot of information concerning activities on the part of Russian agents in the United States and some information concerning German activities in the United States, but advised that unless he had some guarantee that he would be given his freedom, he would divulge no information at this time. Further information is set out as received from

- P -

REFERENCE:

Report of Special Agent J. L. FALLON, Dallas, Texas, dated February 14, 1940. Letter from the Bureau dated March 25, 1942.

DETAILS:

The title of this case is being changed to reflect the full and true name and aliases of the Subject.

This investigation is predicated upon a letter received from the Bureau dated March 25, 1942 in which it was requested that an Agent interview the Subject concerning his claim that he was approached by some organization in the United States to do some type of work as well as his claim that he knows how the Nazis send their Agents

Approved and Forwarded: *K. M. Piper* Special Agent in Charge

Copies of this Report:

5-Bureau
4-Buffalo
2-Dallas

1-Los Angeles (Info)

MAY 16 1942

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PURGE CLERK #5

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42

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[]
to this country.

On Friday morning, April 24, the Subject [] was interviewed by the reporting Agent concerning the above mentioned information. At this time the Subject confirmed information already received in letters concerning his many arrests in various countries and his subsequent escapes from jails and hospitals connected with jails. The Subject stated that he had been active with the Socialist Party in Sweden and that he had done some work for the Communist Party in both Germany and the United States but would disclose no information concerning his activities in the United States in connection with Communism or Nazism, other than to state that he was personally acquainted with HARRY BRIDGES and had worked with this individual some in San Francisco. He stated that he knew that HARRY BRIDGES was definitely a leader in Communist activities in the United States and that if the Federal Bureau of Investigation would hire him and pay him to do some investigating concerning BRIDGES, he was sure he could find out further information about BRIDGES.

[] advised further that he knew as a matter of fact that many Nazi agents had entered the United States through normal ports of entry and on falsified passports and that a number of American, British and Canadian blank passports had been stolen and were presently in the hands of individuals in Sweden, Switzerland, Portugal and some other countries which were making them out for criminals and for foreign agents, "for a price". b7D

[] stated that he knew as a matter of fact that German agents were constantly entering the United States from South America, Central America and Mexico. He stated that some of these agents entered the United States on board trains from Mexico and that at one time he had been offered a smuggling job by Japanese in California. He stated that he knew the southwest border of the United States quite well and that for this reason he had been approached by Japanese individuals in California and offered good pay to aid in smuggling Japanese agents and others into the United States.

After lengthy questioning, [] finally admitted that a Japanese by the name of YAMATTO, who in 1938 owned a restaurant on Wall Street near Fifth Street in Los Angeles, had attempted to hire him to help get Japs across the border from Mexico. When questioned as to whether any other Japanese or Germans had ever approached him to help bring anyone into the United States across the southwestern border, he stated that "he could not say" but advised that one HEINDRICH BRUNO, who lived on Virgin or Virgil Avenue in Los Angeles and who also

[] spends part of his time in Phoenix, Arizona, was a member of the German-American Bund and made frequent trips to Europe. The reporting Agent questioned [] closely concerning this individual but [] refused to give any information or to state whether he had ever been approached by BRUNO to bring German agents into the United States across the southwest border or any other border.

He stated that he did not believe German agents were coming into the United States by airplane but "felt certain" that German agents were entering the United States either from U boats off the eastern coast or by ship from South America and the islands of the West Indies and by train and other "land means" across the Mexican border. He stated that he was "sure" that there were thousands of Nazi spies and agents in the United States at the present time and that Germany was receiving all of the information of value concerning the United States, whether of a military nature or otherwise. However, [] failed to amplify this statement and further questioning was of no avail.

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When questioned as to who in the United States had ever approached him to do sabotage work, [] advised that no one had ever approached him to do sabotage in the United States and that he had never told anyone in Canada or elsewhere that anyone had approached him for this reason.

When questioned as to his connections with the Communist Party or Communist activities in the United States, [] refused to make any statements, but did state that he had friends connected with Communist activities in the United States but would not name these friends.

[] advised that he spoke all Scandanavian languages fluently and that he could speak Russian and German very well and could pass as a Russian or German in Russia or Germany as easily as he could pass for an American in America. In this connection it should be noted that [] spoke excellent English and would pass as an ordinary American citizen. He had no accent whatsoever and had a very good grasp of the English language. He further advised that he spoke several Chinese dialects but only spoke very little Japanese and could not understand Japanese. He stated that he spoke French and Spanish fluently and had spent 19 months in Spain with the International Brigade under General MIJA who is now in Mexico. [] advised that he was born in Manchuria and knows China and Korea very well, as well as almost all borders in Europe and Asia. He stated that he was fairly well acquainted with the Canadian-American border and the Mexican border, as well and expressed complete confidence that if the Canadian authorities released him he would be able to get to Mexico without the slightest trouble at the border.

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[] advised that he had an [] by the name of ERIC ~~LENDER~~ of [] and that this [] was the head of the London Chamber of Commerce. He advised further that he had a [] Mr. FRANK B. BALDWIN, M.D., of the United States Army Reserve, who had married [] in Shanghai, China. He advised that he did not know the present whereabouts of Dr. BALDWIN, but stated that he believed he was with the United States Army somewhere.

[] stated that he felt he had some information which he would disclose if the Agent guaranteed to keep this information confidential in nature. Following this statement he advised that he had known one WILHELM RAAB of [] Berlin, Germany, and that this individual had been obtaining information on Germans for Congressman MARTIN DIES in the United States and that information had been sent by RAAB by way of employees of MOORE and McCORMICK lines to the United States. He stated he did not know whether RAAB was an agent for the German government but that he knew of RAAB'S connection with DIES from personal knowledge. He stated that he was quite certain if the Federal Bureau of Investigation would give him permission that he could find out the present position held by RAAB and RAAB'S present whereabouts, as well as what people were carrying messages on the MOORE and McCORMICK Steamship Lines from Europe or other world ports.

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[] advised that he was well acquainted with most waterfront areas but would give no specific information to confirm his knowledge of the various waterfronts in the United States. However, [] stated that he had belonged to the Scandinavian Seamen's Union at San Pedro, California, and that although usually the Seamen's Unions in the United States were Communistic, this particular Scandinavian Seamen's Union at San Pedro had many members who were pro-Nazi and that there had been some fighting among the members because some were Communist and some pro-Nazi in their attitude.

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[] stated that his particular passport was obtained "for a price" from someone in Stockholm, Sweden, and that he could buy passports at this place by the dozens.

When questioned further concerning methods by which Nazi agents were getting into the United States, [] advised many of the Nazi agents were entering the United States on the grounds that they were fugitive refugees from various European countries including particularly Austria.

[redacted] advised that he was [redacted] and that [redacted] was presently residing somewhere in Washington, D. C., but that he did not know her address in Washington.

[redacted] of the Bureau of Immigration and Naturalization, Buffalo, New York, advised that upon investigation he had ascertained that the Immigration Bureau was not interested in [redacted] at the present time. [redacted] Further stated that should [redacted] attempt to get into the [redacted] [redacted] he would be barred from entry by the Immigration authorities and would be turned back over to the [redacted] authorities and that the Immigration authorities had no further interest in [redacted] at the present time.

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A complete report of the [redacted] and the [redacted] is being maintained in the files of the Buffalo Field Office but because of the voluminous nature of this report, it is not being set out herein.

[redacted] is presently confined in the [redacted] at [redacted] and the [redacted] have a stop presently placed on him at this prison. [redacted] advised the reporting Agent that he would immediately advise the Federal Bureau of Investigation upon [redacted] release from jail.

Both [redacted] and [redacted] of the [redacted] advised that they did not believe [redacted] could be trusted and for this reason would hesitate to use him in any national defense work in [redacted] who investigated the [redacted] case for the [redacted] advised he believed [redacted] was just a world wide vagabond and was probably mixed up in Communist activities in the various countries he visited. He stated that from his investigation he would not trust [redacted] under any circumstances inasmuch as [redacted] would only be loyal to the highest bidder from a monetary point of view. He stated [redacted] was out for all he could get for [redacted] but had no other particular loyalties.

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Although according to [redacted] of the [redacted] [redacted] is rumored to have been an agent of the German government, investigation conducted by that organization failed to reveal any pertinent information along this line. [redacted] stated that he was not an agent or spy for the German government but advised that if he were he would have little difficulty in obtaining information or getting it back to Germany.

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[redacted]

When [redacted] was asked how he would cross the American border to get to Mexico or even to enter the United States, he smiled and stated that this was so easy it wasn't worth discussing. He advised that he had entered Canada on one occasion by going on an excursion to Crystal Beach from Buffalo, New York, and all he had to do was get a towel from a friend of his in Buffalo and hang the towel over his arm as though he were a member of the excursion party going swimming at Crystal Beach.

On Tuesday, April 28, [redacted]
[redacted] telephonically advised the Special Agent in Charge at Buffalo, New York that [redacted] would be released within forty-eight hours. In view of this information the following teletype was sent to the Bureau on the above date:

[redacted]

On April 30, 1942 Special Agent in Charge Mr. K. M. PIPER telephonically communicated with Mr. LEO LOUGHLIN of the Bureau regarding the information concerning [redacted] release from the [redacted] at [redacted] and advised LOUGHLIN that [redacted] had advised the Buffalo Field Division that [redacted] would be presently under surveillance by the [redacted] and that they would notify the U. S. Immigration should [redacted] attempt to cross the border into the United States. Mr. PIPER was advised at this time that the United States Parole Officer for the District of Columbia had advised that he wanted [redacted] and that [redacted] should be picked up if he attempted to cross the American border. [redacted] of the United States Immigration Service at Buffalo, New York, was advised that [redacted] was wanted and

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[redacted]
he stated that he would place a stop order with all U. S. Border Offices of his Bureau so that [redacted] would be picked up immediately should he attempt to enter the United States, and that the Immigration Bureau would deliver [redacted] to the United States Marshal's Office at Buffalo, New York.

The United States Marshal, Mr. WILLIAM J. REARDON at Buffalo, N.Y., advised that he would take [redacted] into custody and deliver him to Washington, D.C. to the United States Parole Officer, but that he desired that Washington forward a parole warrant to him immediately. Accordingly, the following teletype was sent to the Bureau April 30, 1942:

[redacted]

P E N D I N G

UNDEVELOPED LEADS

THE BUFFALO FIELD DIVISION

AT BUFFALO, NEW YORK

Will check with the U. S. Immigration and Naturalization Bureau with a view to ascertaining information concerning possible apprehension of the Subject [redacted] upon his attempt to cross the United States border.

AT [redacted]
[redacted]

Will check with the [redacted]
[redacted] so as to keep posted at all times
as to the whereabouts of [redacted]

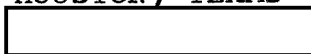


REP. MARTIN DIES
Blasts Use of Troops

Rep. Dies Seeks To Ban Troops At Schools

INDEXED 22

RE: RACIAL SITUATION
HOUSTON, TEXAS



THE HOUSTON CHRONICLE
10/16/57
Houston, Texas

NOT RECORDED
140 NOV 2 1957

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BY WALTER MANSELL

Chronicle Staff

Rep. Martin Dies plans to introduce legislation at the next session of Congress to prevent the President from using troops to enforce integration, he said in Houston Wednesday.

Dies, who is from Lufkin, came here to address the Houston chapter of the National Secretaries Assn. at the Lamar Hotel Tuesday night.

He came down with the flu overnight and headed back home Wednesday.

"Shocking" Episode

"It was absolutely shocking for the United States to try to enforce anything with paratroopers," the congressman said, referring to the Little Rock, Ark., episode.

He declared the President acted illegally when he sent federal troops to force integration of Central High School.

Dies believes that it is up to the courts to enforce their own decrees, rather than the President.

He pointed out that the courts can use United States marshals and their deputies and that the marshals can deputize citizens "who are more familiar with local conditions" than are troops.

"Just Court Ruling"

There is no law compelling school integration, just a court ruling, he said. This ruling can be reversed or changed and citizens have a perfect right to seek to overthrow the decision, Dies emphasized.

Dies, in his speech before the secretaries, called upon all citizens to "make whatever sacrifice is necessary to build our country so strong economically and spiritually that Russia will hesitate to attack us, or if she should attack will be defeated."

Dies, whose position as congressman at large for Texas will be abolished next year, said that he is considering running for the United States Senate, and will make his decision within 30 days.

The AFL, Nye, Dies, And the Elections

WHO does not know that Senator Gerald P. Nye, one of the more notorious pro-Hitlerites who has openly declared he is against destroying fascism, is equally notorious as a Senator who has voted against labor time after time?

Who does not know that Congressman Martin Dies fairly smells to high heaven as the leading fifth columnist in these United States, and as also one who regards trade unionism of the mildest character as akin to crime?

Yet, President William Green of the AFL has endorsed both these enemies of labor for reelection in their constituencies!

This, then, is the way "non-partisanship" works in the AFL's so-called "Non-Partisan Political Committee." In the name of this, Green gave these incredible endorsements.

Not that Green consulted the AFL unions and their members in North Dakota and Texas, where Nye and Dies are standing for reelection. He didn't.

For those unions and workers might well say, if THIS is "rewarding your friends and punishing your enemies," then God save us from our "friends."

And this gives more sinister meaning to the letter sent out by the AFL executive council ordering local unions not to cooperate with the CIO Political Action Committee. Are the AFL top men in alliance with Dies, who

FILE

is currently trying to smear the mittee?

That letter shows, along with these arguments, that what the AFL leadership objects to, is not cooperation with the CIO, but any cooperation which might lead to the defeat of such "friends" of labor as Nye and Dies, evidently the real friends of Hutcheson and Woll.

Thus, it seems that all those who voted for the anti-union Smith-Connally Act are to be reelected because they satisfy Hutcheson and Woll by support of the Dies Committee. And those who try to sabotage the war in the Senate get the OK by the AFL because Hutcheson and Woll agree with them, also.

As for the presidency, the false flag of "non-partisanship" is a poor disguise. In years of presidential elections, the AFL always holds its national conventions after the elections. But the pretense that this keeps the AFL leadership clear from partisanship fools no one. Its support for Nye and Dies is clearly support for the enemies of President Roosevelt.

Surely, the AFL membership and those many honest, patriotic and progressive leaders within the AFL, will not allow this sort of mockery to blacken the proud name of the AFL, not without challenge and struggle.

The Los Angeles AFL example is an excellent one to follow. Labor in the AFL, no less than in the CIO, should unite its forces behind the demand to draft Roosevelt and elect a Congress which will stand by him.

In each union and locality, such forces can be organized, and together they should call upon Teamster President Dan Tobin and those like him, to organize the AFL organizations for political action with the above purpose. More, they should cooperate with the CIO and the Railroad Brotherhoods.

Only thus can AFL labor defend its interests and help mobilize the people for victory and for postwar peace.

INDEXED

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NOT RECORDED

87 APR 29 1944

This is a clipping from
page 6 of the
Peoples world for

4-17-44
Clipped at the Seat
of Government.

Dies Reveals 'New Cases' of Subversion

More U. S. Workers
Cited by Committee

By WILLIAM THEIS

The Dies committee disclosed today it has uncovered "new cases" of alleged subversive Government employees, as the House prepared to withhold funds for further payment of two FCC officials found "unfit" to continue in Federal service.

A spokesman for the un-American Activities Investigating Committee said the new evidence has been uncovered since the Appropriations subcommittee, headed by Representative Kerr (D.) of North Carolina, began its special inquiry into charges involving 39 Government employees.

This disclosure came after Chairman Cannon (D.) of Missouri, of the Appropriations committee, announced that a restriction to prevent further employment of the two Federal Communications Commission men would be written into the Interior Department appropriation bill coming before the House about May 3.

Those whose views were held by the Kerr committee to "constitute subversive activity" were Dr. Goodwin B. Watson, \$6,500-a-year chief analyst, and Dr. William E. Dodd jr., \$3,200-a-year assistant news editor of the FCC's foreign broadcast intelligence service.

Schuman Exonerated

The committee investigated Dr. Frederick L. Schuman, principal political analyst in the German section of the analysis division of the same service but reported it did not find "sufficient evidence to support a recommendation of unfitness." Schuman's salary is \$5,600 a year.

Cannon said an amendment stipulating that no appropriations should be used to pay the salaries of Watson and young Dodd, son of the late ambassador to Germany, had been drafted and would be included in "the next appropriation bill." The next money measure due to be reported by his committee, he pointed out, was the Interior bill.

In its first report to the House since it set out to check on the charges of Representative Martin Dies (D.) of Texas, chairman of the un-American activities committee, the Kerr group framed its own definition of "subversive activity."

Subversion Defined

It is:

"Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all. Such activity may be open and direct as by effort to overthrow, or subtle and indirect as by sabotage."

Dr. Watson, it reported, admitted association or affiliation with 12 or more organizations of which "a number" have been designated by the Justice Department as "front organizations" and others as "questionable."

Mr. Tolson ✓
Mr. E. A. Tamm ✓
Mr. Clegg ✓
Mr. Glavin ✓
Mr. Ladd ✓
Mr. Nichols ✓
Mr. Rosen ✓
Mr. Tracy ✓
Mr. Carson ✓
Mr. Coffey ✓
Mr. Hendon ✓
Mr. Kramer ✓
Mr. McGuire ✓
Mr. Quinn Tamm ✓
Mr. Nease ✓
Miss Gandy ✓

Two Lose Appeal From Dies Purge

Mr. Tolson _____
 Mr. E. A. Tamm _____
 Mr. Clegg _____
 Mr. Glavin _____
 Mr. Ladd _____
 Mr. Nichols _____
 Mr. Rosen _____
 Mr. Tracy _____
 Mr. Carson _____
 Mr. Coffey _____
 Mr. Hendon _____
 Mr. Kramer _____
 Mr. McGuire _____
 Mr. Quinn Tamm _____
 Mr. Nease _____
 Miss Gandy _____

Committee Votes to Fire Watson and Dodds On Own Definition of What's Subversive

PM's Bureau

WASHINGTON, Apr. 22.—Martin Dies' charges against two Government employees were upheld by the House Appropriations Committee yesterday on the basis of findings in at least one of the cases by the "court of public opinion."

The Committee approved a subcommittee report—known as the Kerr Committee—that Dr. Goodwin Watson and Dr. William E. Dodd, Jr., of the Federal Communications Commission (FCC) were "unfit for the present to continue in Government employment" because the organizations with which they had been associated and views and philosophies they had expressed constituted "subversive activity."

The report clearing a third employee—Dr. Frederick L. Schuman, of the FCC, whose name headed the list of 39 Dies listed as subversive—also was approved.

Divided on Schuman

The full Committee accepted the findings on Watson and Dodd almost without question, but came close to withholding the report clearing Schuman. A motion to suspend publication of the findings on Schuman, pending further investigation, was rejected, 14 to 11.

The Committee was headed by Rep. John Kerr (D., N. C.), appointed to review the charges. The report, if accepted by the House, will set the precedent not only for judging the other 36 accused employees, but also for judging hundreds of others.

The Committee report said:

"Those who foster and associate with any organization, whatever may be its name, which has for its purpose the overthrow of this Government or the substitution of another form of government should not be entrusted with official responsibility. This question has been decided at the bar of public opinion, and we shall abide by that decision."

Lists Affiliations

The Committee listed 12 organizations with which it said Watson had admitted association or affiliation." The list included several of the organizations held by Attorney General Biddle to be Communist fronts, but also included others such as the Consumers Union. Of them, the Committee said:

"These organizations have not been adjudged by the courts or by Congress as subversive. They have operated either without constitution or by-laws, or when their aims and purposes have been brought into ques-

tion the constitutions and by-laws have been withheld or destroyed.

"No witness can be found who will or can produce any records of these organizations. But the 'court of public opinion' of the United States has passed judgment upon them and has found them subversive and un-American."

Union Gives Kerr a Copy

(In New York last night, Arthur Kallet, director of Consumers' Union, a non-profit membership organization, said he was sending a copy of its by-laws to the Kerr Committee at once.

("As anyone who takes the trouble can easily find out, the by-laws of Consumers Union have always been available to members of the organization and to others," Kallet, said in a statement. "We have never had any request for a copy of our by-laws from either the Kerr Committee or any other Congressional committee. To clear up any misapprehension we are sending copies of the by-laws to the Kerr Committee immediately.")

The Subcommittee did not submit any other evidence that the organizations were subversive, and it didn't even claim to have evidence that Watson belonged to them. In some cases he had only spoken before them. But the Committee said that "Dr. Watson for several years past has associated himself . . . with men and associations whose aims and purposes were subversive . . . , and . . . with men who advocated the overthrow of this Government"; that he "has written various articles for several magazines reputedly controlled by subversive interests, and in a number of those articles Dr. Watson made unfavorable comparisons between other Governments and our Government, and in other articles he criticised our capitalistic and profit system and advocated its overthrow."

Committee's Definition

The Committee reported that, because the courts and Congress had not defined "subversive activity," it had adopted the following definition:

"Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all. Some activity may be open and direct as by effort to overthrow, or subtle and indirect as by sabotage."

Of Dodd, son of the former Ambassador to Germany, the committee said he admitted belonging to the American League for Peace and Democracy and resigning "not because of its character, but to return to Virginia, to my farm, and to run for Congress."

It added this organization has been listed as a Communist front organization by the Justice Dept., the Dies Committee and the Inter-Departmental Committee.

Dodd also, the committee reported, admitted membership in the Washington Bookshop, also listed as a Communist front by the Justice Dept. "Dr. Dodd testified."

the committee added, "that he knew the organization had been found to be subversive, but that he did not feel any obligation to resign."

The committee also reported that Dodd had entertained Harry Bridges, labor leader, at a cocktail party while deportation charges were pending against Bridges based upon membership in the Communist Party.

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Watson, One of Victims, Denounces Hearing as Unfair

PM's Bureau

WASHINGTON, Apr. 22.—Asserting that the House Appropriations Committee's report was a "severe threat to freedom of thought and expression," Dr. Goodwin Watson today flatly denied that he was opposed to the American form of government.

His statement, rebutting the Committee's findings that he has engaged in "subversive activity," follows:

"The Kerr Committee, now continuing the persecution of liberals instigated by the Dies Committee is doing a grave disservice to Americanism. Their procedure has violated rights which all public officials have previously been granted. They have ignored my record in office and the testimony of my colleagues. The charge that I have even been guilty of 'conduct intentionally destructive of or inimical to the Government of the United States' is utterly false.

Criticizes Procedure

"The Kerr Committee represents the first instance in American history when Congress has held hearings involving the removal of a public official without affording him the usual constitutional safeguards such as legal counsel, rules of evidence, and the right to summon witnesses. Indeed, the Kerr Committee had asked me to collect for the record samples of my recent writings which I am now doing. They did not wait for the collection of the evidence they themselves requested.

"For 18 months I have served in a public office and have directed the preparation of more than a hundred intelligence reports which have gone to high officials in Government agencies concerned with foreign affairs. Our service has been frequently praised but never criticized for any kind of bias. No word of criticism of my conduct in office has been mentioned by the Dies Committee or the Kerr Committee."

Cites His Record

"For 20 years I have served my fellow-citizens in fairly public positions as a Methodist minister, a YMCA research director, and as a university professor.

"The Kerr Committee attack is apparently based wholly on Dies Committee charges. They showed no interest in reports favorable to me by the FBI and other investigators. They have followed the fallacious argument that one who works for a worthy democratic cause which Communists also support, is tarred by a red brush.

"For example, they charge that I contributed a statement against anti-Semitism to a pamphlet published by the League of American Writers. The Dies Committee holds that the League of American Writers is a 'Communist front organization,' it may or may not be; I have no knowledge of that. I do know that Vice President Wallace, Associate Justice Jackson, Secretary Harold Ickes and Gov. Thomas Dewey all contributed in the same way that I did, to the same pamphlet under the same auspices. Can such a definition of 'subversive' be defended? . . ."

INDEXING

File

Mr. MacCarter

Mr. Willis

Dies Asks House To Vindicate Him

By NATHAN ROBERTSON

PM's Bureau

WASHINGTON, Apr. 10.—Martin Dies, obviously worried that the review of his charges against Government employes will discredit him, is trying desperately to get the House to vindicate him without waiting for the verification of the charges.

Dies introduced legislation yesterday to outlaw from Federal employment anyone connected with an organization which has been held to be subversive. He said he would ask for early action on the measure.

Bill's Effect

Enactment of the bill would automatically cause dismissal of many of the 39 employes he has put under fire, without investigation to find out whether they were active in the organizations, or even knew the nature of them. It probably also would remove hundreds of other employes.

Dies demanded the dismissal of the employes without giving them a chance to appear and be heard in their own defense. As a result, the House set up a special committee headed by Rep. John H. Kerr (D., N. C.) to investigate the charges and give the accused a chance to testify.

Kerr Committee's View

Members of that committee have insisted that it is not enough to find that a man was on the mailing list of a so-called subversive or Communist Front organization, because many innocent individuals unknowingly belonged to such groups. It has been calling the employes and trying to find out why they belonged.

This judicial approach to the problem has angered Dies and his supporters in the House. The introduction of Dies' bill followed a series of attacks designed to discredit the Kerr Committee and railroad the House into action.

** Dies Committee*

INDEXED

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page 4 of the
PM for
April 11, 1943
Clipped at the Seat of
Government.

139
53 APR 23 1943

Two Lose Appeal From Dies

Committee Votes to Fire Watson and Dodds On Own Definition of What's Subversive

Purge

WASHINGTON, Apr. 22.—Martin Dies' charges against two Government employees were upheld by the House Appropriations Committee yesterday on the basis of findings in at least one of the cases by the "court of public opinion."

The Committee approved a subcommittee report—known as the Kerr Committee—that Dr. Goodwin Watson and Dr. William E. Dodd, Jr., of the Federal Communications Commission (FCC) were "unfit for the present to continue in Government employment" because the organizations with which they had been associated and views and philosophies they had expressed constituted "subversive activity."

The report clearing a third employee—Dr. Frederick L. Schuman, of the FCC, whose name headed the list of 39 Dies listed as subversive—also was approved.

Divided on Schuman

The full Committee accepted the findings on Watson and Dodd almost without question, but came close to withholding the report clearing Schuman. A motion to suspend publication of the findings on Schuman, pending further investigation, was rejected, 14 to 11.

The Committee was headed by Rep. John Kerr (D., N. C.), appointed to review the charges. The report, if accepted by the House, will set the precedent not only for judging the other 36 accused employees, but also for judging hundreds of others.

The Committee report said:

"Those who foster and associate with any organization, whatever may be its name, which has for its purpose the overthrow of this Government or the substitution of another form of government should not be entrusted with official responsibility. This question has been decided at the bar of public opinion, and we shall abide by that decision."

Lists Affiliations

The Committee listed 12 organizations with which it said Watson had admitted "association or affiliation." The list included several of the organizations held by Attorney General Biddle to be Communist fronts, but also included others such as the Consumers Union. Of them, the Committee said:

"These organizations have not been adjudged by the courts or by Congress as subversive. They have operated either without constitution or by-laws, or when their aims and purposes have been brought into ques-

tion the constitutions and by-laws have been withheld or destroyed.

"No witness can be found who will or can produce any records of these organizations. But the 'court of public opinion' of the United States has passed judgment upon them and has found them subversive and un-American."

Union Gives Kerr a Copy

(In New York last night, Arthur Kallet, director of Consumers' Union, a non-profit membership organization, said he was sending a copy of its by-laws to the Kerr Committee at once.)

"(As anyone who takes the trouble can easily find out, the by-laws of Consumers Union have always been available to members of the organization and to others," Kallet, said in a statement. "We have never had any request for a copy of our by-laws from either the Kerr Committee or any other Congressional committee. To clear up any misapprehension we are sending copies of the by-laws to the Kerr Committee immediately.)"

The Subcommittee did not submit any other evidence that the organizations were subversive, and it didn't even claim to have evidence that Watson belonged to them. In some cases he had only spoken before them. But the Committee said that "Dr. Watson for several years past has associated himself . . . with men and associations whose aims and purposes were subversive . . . and . . . with men who advocated the overthrow of this Government"; that he "has written various articles for several magazines reputedly controlled by subversive interests, and in a number of those articles Dr. Watson made unfavorable comparisons between other Governments and our Government, and in other articles he criticised our capitalistic and profit system and advocated its overthrow."

Committee's Definition

The Committee reported that, because the courts and Congress had not defined "subversive activity," it had adopted the following definition:

"Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all. Some activity may be open and direct as by

effort to overthrow, or subtle and indirect as by sabotage."

Of Dodd, son of the former Ambassador to Germany, the committee said he admitted belonging to the American League for Peace and Democracy and resigning "not because of its character, but to return to Virginia, to my farm, and to run for Congress."

It added this organization has been listed as a Communist front organization by the Justice Dept., the Dies Committee and the Inter-Departmental Committee.

Dodd also, the committee reported, admitted membership in the Washington Bookshop, also listed as a Communist front by the Justice Dept. "Dr. Dodd testified."

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **DETROIT, MICHIGAN**

82440

REPORT MADE AT BUFFALO, NEW YORK	DATE WHEN MADE 4-14-44	PERIOD FOR WHICH MADE 8-23, 24, 30, 31; 4-1, 4-44	REPORT MADE VINCENT
TITLE GERALD L. K. SMITH, with aliases; The America First Party			CHARACTER OF CASE INTERNAL SECURITY MATTER

SYNOPSIS OF FACTS: Subject and CHARLES A. MADDEN spoke at private meeting held 3-31-44. Meeting was held at Hotel Statler, Buffalo, and was booked in the name of CHARLES A. MADDEN, American Legion Post of Pittsburgh. It was attended by approximately one hundred sixty persons, mostly women, practically all of whom were members of the Economics League of Buffalo. About eight members of the American Legion, Buffalo, insisted upon entrance to the meeting and were admitted. Upon adjournment of meeting, Dr. JOSEPH A. HAWN, Erie County Commander of American Legion, and PAUL WAMSLEY, Erie County American Legion Americanism Chairman, challenged the right of MADDEN to represent himself as spokesman for the Legion, which representation was denied by SMITH and MADDEN. Informants advise that SMITH appeared somewhat at a disadvantage during the course of his speech, probably because of the unexpected visitors at meeting. Excerpts of speeches at meeting set forth. Subject, MADDEN and Congressman CLARE E. HOFFMAN scheduled to speak at Kleinhans Music Hall on 5-17-44.

-P-

REFERENCES: Letter from Detroit to Buffalo dated March 16, 1944.
Report of Special Agent JOHN W. WOLF, dated March 27, 1944, at Detroit.

DETAILS: JOHN A. WOLFE, employee of the Standard Mirror Company, 141 Milton Street, residing at 10 Dunlop Avenue, both Buffalo, New York, a member of the Executive Committee

APPROVED AND FORWARDED: <i>John B. Hill</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
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of the Economics League, advised that a closed meeting of the Economics League was being held at the Hotel Statler on March 31, 1944. He stated that GERALD L. K. SMITH and CHARLES A. MADDEN were to be the featured speakers. WOLFE advised that invitations to the meeting had been mailed to the members of the Economics League, and that although he had not received an invitation, he understood that it was to be very restricted in attendance and that it would be necessary for those attending to present their cards at the door.

Confidential Informant T-1 advised that about March 1, 1944, a person who represented himself as L. J. MC GUIRE, Buffalo telephone number GARFIELD 0735, telephonically contacted the Hotel Statler and requested the use of the Fillmore Room for 8:00 P.M. on March 31, 1944. (It is noted that the Buffalo telephone directory lists one LAURENCE J. MC GUIRE, Insurance, Liberty Bank Building, telephone CLEVELAND 3385. No L. J. MC GUIRE is listed for the telephone number GARFIELD 0735.) The caller stated that he represented "CHARLES A. MADDEN, American Legion Post of Pittsburgh," and requested that the room be booked in that name. He stated that seating accommodations for three hundred twenty-five persons were desired. Informant advised that upon receipt of this call the Fillmore Room was rented for thirty-five dollars rent for four hours.

It was subsequently ascertained from Confidential Informant T-2 that "GERALD L. K. SMITH AND WIFE", [redacted] Michigan, registered at the Hotel Statler on March 31, 1944, at 10:06 A.M. These individuals occupied Room 1408, at the rate of eight dollars and twenty-five cents per day, and checked out of the Hotel on April 3, 1944, at 10:15 A.M. Informant also advised that CHARLES A. MADDEN, [redacted] Pittsburgh, Pennsylvania, checked in at the Hotel Statler on March 31, 1944, at 9:04 A.M. MADDEN occupied Room 1634, at the rate of four dollars and ninety-five cents per day and checked out of the hotel on April 1, 1944, at 4:47 P.M.

Informant also advised that RENATA LE GANT (Secretary to SMITH), [redacted] Detroit, Michigan, registered at the Hotel Statler on March 31, 1944, at 7:57 A.M. She occupied room 1410 at the rate of six dollars and five cents per day, and checked out of the hotel on April 2, 1944, at 3:56 P.M. The records of the Hotel Statler, according to informants, reflect that SMITH paid a total bill of \$73.38, which included MADDEN's bill of \$4.95 and Miss LE GANT's bill which was \$14.65.

Dr. JOSEPH R. HAWN, Erie County Commander of the American Legion, 2490 Delaware Avenue, [redacted] both Buffalo, advised that he received information that there was a meeting booked in the name of "CHARLES A. MADDEN - American Legion Post of Pittsburgh" to be held at the

Hotel Statler on March 31, 1944. He advised that he had no knowledge that an official meeting of the American Legion was scheduled for Buffalo on that night and that he heard that subject and MADDEN were in town and thought that he should attend the meeting and find out what it was all about. He stated that he, accompanied by a few other members of the American Legion, went to the Fillmore Room at Hotel Statler at 8:30 P.M., March 31, 1944. He advised that there was a woman at the door of the Fillmore Room to whom he identified himself and the other members of the American Legion and told her that they desired to attend the American Legion meeting. The woman at the door advised him that it was the Economics League which was holding a meeting in the Fillmore Room. When he advised that it was booked in the name of the American Legion Post of Pittsburgh and demanded that he be permitted to attend, the woman called JOSEPH H. STOFFEL, President of the Economics League who immediately came to the door and greeted HAWN and invited him and his guests to attend the meeting.

HAWN stated that immediately after they got inside the Fillmore Room, they were given cards which set forth at the top of the card "The Economics League \$\$\$\$ An Organization to promote 'Justice For All' Through Constitutional Money", and were requested to complete the card with their names and addresses. He stated that they complied with this and were ushered to seats.

HAWN further advised that shortly thereafter STOFFEL opened the meeting by making a short introductory speech introducing GERALD L. K. SMITH. HAWN advised that after SMITH spoke about one hour, he concluded by introducing MADDEN. HAWN also stated that in view of the fact that MADDEN was apparently holding himself out as representing the American Legion, he requested ELGENE J. KNISLEY, a member of the American Legion delegation, to make notes of the meeting. Excerpts from these notes will be set forth hereafter. HAWN also advised that upon conclusion of MADDEN's address, SMITH adjourned the meeting, whereupon he and PAUL WAMSLEY, County Americanism Chairman, went to the front of the room and challenged the right of MADDEN to represent himself as a spokesman of the American Legion.

HAWN stated that several of the women in attendance at the meeting milled around the front of the room and he thought for a few minutes that a squabble might occur. He stated that trouble was averted when SMITH and MADDEN announced that the meeting "had nothing whatever to do with the American Legion." He stated that SMITH added, "I have no idea how such an error came to be published." SMITH then turned to HAWN and stated, "Has anything been said at this meeting tonight that can be considered un-American?" HAWN told Reporting Agent that he felt compelled to reply in the negative and did so. He stated that the same question was directed by SMITH to WAMSLEY and that WAMSLEY in some way avoided an answer.

HAWN estimated that about one hundred sixty persons, mostly women, attended the meeting. HAWN telephonically contacted EUGENE J. KNISLEY, 223 Pleasant Avenue, Hamburg, who thereafter delivered to this office excerpts from the speech of GERALD L. K. SMITH and CHARLES A. MADDEN. They are as follows:

The Communist Party of Missouri was the leading opponent of our right to speak in the City of St. Louis. It was led by the head of the Communist Party named Herbert Benjamin. Herbert Benjamin appeared before the City Council and said: 'I protest the appearance of Gerald L. K. Smith and his leaders in the City of St. Louis'. The president of the council, knowing him, said: 'Mr. Benjamin, if Joseph Stalin came to the City of St. Louis, would you be willing to have him speak in St. Louis?' Mr. Benjamin said: 'Yes, if Joseph Stalin should come to the City of St. Louis, we would be willing to let him speak in St. Louis.' He said: 'I don't think it will hurt St. Louis.' The St. Louis Post-Despatch said: 'We do not agree with Gerald L. K. Smith on his principles but we believe there is a principle at stake' and I am pleased to say they all advocated our right to speak in the City of St. Louis. We were well satisfied in the City of St. Louis for it was here that Wendell Willkie had spoken, and we wanted to know whether we had a greater following than Willkie. Willkie's meeting was advertised far and wide. We sat up chairs in over-flow rooms. They put in loud speakers. They had a far better press; the appearance of Mr. Willkie was broadcast from one end of St. Louis to the other, and his appearance was publicized in all of the papers of the United States. When he stood up, on the night on which he was to speak, he had less than 700 people. When I stood up to speak, and Mr. Madden and Mr. Arthur _____, former commander of the American Legion for the State of Illinois, by actual count, not from somebody's estimate, but by actual checking by meter as they came in the door, we had 2189 people from 14 different states in the great central area.

* * *

I appeared in the City Minneapolis the other day in response to those who had testified against my right to speak in Minneapolis. When the witnesses were all through testifying against me--and there were seventeen of them--I arose and said: 'There is not a single question that any witness can ask me that I am not willing to answer. I want to take the charges that have been made against my patriotism one at a time. I am going to stop if I do not answer each one satisfactorily and I will not proceed to the next one until it is answered satisfactorily.' I went down through the charges of these people--most of them left wingers.

* * * * *

If Homer Chaillaux, Chairman of the Americanism Committee of the American Legion, shall challenge my Americanism I will never ask any committee to apply for the use of the auditorium in my name.

If Martin Dies, chairman of the Americanism Committee for the lower House, will question my Americanism I will withdraw any application to appear in your illustrious city.

* * * * *

MR. SMITH (referring to Mr. Hoffman) said: His activities have been underscored by Homer Chaillaux of the American Legion.

* * * * *

Mons. O'Brien said if there was ever a christian it is Joe Stoffel. When I wrote my reply to the editorial of the Courier-Express, I told Mr. Stoffel to take it to Mons. O'Brien and I said: 'If he don't approve of it, don't take it to the Courier-Express.' And I wrote in that letter: 'If this appears, it has the approval of Mons. O'Brien and Fr. Anstett.'

* * * * *

Why did we bring Mr. Madden here tonight? Because he is an American Legionnaire, Past Commander of his Legion Post, active in Americanism. Don't you dare impugn his patriotism. He has two brothers, each of whom have furnished sons for this war and both of those sons have been killed. We asked Mr. Madden to come over here--in fact, Mr. Madden arranged for this room tonight, in order that he might come over and give his testimony and review what he knows about our American First activities, and you are going to hear him here in just a very few moments.

I am sure that every person here wants to help the Committee pay the cost of this meeting. I have here something that I want to give everybody tonight that donates to this expense--a book written by an American Legionnaire, J. Edward Jones, entitled, 'So They Indicted Me', a story of most of the details of the persecution Mr. Jones had suffered in Washington. Head of the oil pool, he resigned and branded the whole thing as Facist. Harold Ickes said: 'Give him the works' so they went through his files and looted him for enough to send him to jail for 75 years. One day he was called up by a man who said he knew a man who knew a man who knew a man who wanted to see him. The man came up, one cold-blooded rascal. He sat him down in his office, pressed a button and started a recording

machine. He said: 'Who are you?' He said: 'I am Eleanore Roosevelt's business manager, I can take you to Washington and introduce you to the right parties and this will never come to trial.' 'How much will it cost me', he said. '\$25,000.00'. He didn't know his whole conversation and a lot more than I have said had been recorded. He said: 'This is getting good. I will just sit tight and see what happens.' This is all a matter of court record. In a few days a woman called him. She said: 'I am the wife of the man who examined your books, and he wants to see you.' He said: 'Tell him to come to my office tomorrow morning at ten o'clock.' The man walked in; Mr. Jones pressed the same button, and he said: 'What do you want?' Well, he said: 'when I examined your books for the government, I examined them crooked but they told me we must give you the works but I can give you the information which you can give to your attorney and you will never be convicted.' Jones said: 'How much do you want?' He said: 'I want fifteen thousand dollars down and so much later on.' Jones said: 'Be at my home at Scarsdale, New York, tomorrow morning.' Jones was there. He had his house loaded. He made the man repeat the offer, handed him \$15,000. in marked money, and they grabbed him on leaving the house. Watchmen on the lawn revealed that his next superior in the New Deal was hiding behind a tree. He ran. He was out there waiting for his cut. I persuaded Ed. Jones to write this down. He wrote it down and nobody would publish it. Finally he established his own little publishing firm and published it. I have sent these all over the United States. They contain the exact dictaphone records.

* * * * *

We are going to have a great meeting in Buffalo. I will tell you more about it later on. I will tell you the name of the place. The contract is signed.

* * * * *

The first thing, we are indebted to the attorney for the Civil Liberties Union, who is in no sense a part of our program. He has defended everybody for their civil liberties, for their sound rights--Mr. BARNSDALL, of the City of Buffalo. If he is here, I want him to stand up. He is that little fellow way in the back. Mr. Barnsdall will corroborate what I am about to say. Our national committee has decided to cooperate with Mr. Stoffel and his committee in carrying on this fight. We have lost in the lower court and are going to the next court; in fact we are going

to carry it as high as necessary in order to win. We are not only conferring with Mr. Barnsdall, but we are conferring with the most reputable legal minds in America as pertains to this case and we will carry the case up to the higher courts on his advice. The cost is minor; there is no cost for the lawyer; the cost is for copy writing and so on which will run into three hundred dollars, counting my trip to Buffalo. The rent of this room cost \$35. I am not asking you to pay the expense of Mrs. Smith's transportation, and mine ever here; that expense is being born by our committee. I am sure every person who is a friend of ours wants to give something each month. To every person who gives a dollar or more I will send one of these Jones' books.

* * * * *

And also I bring out what Mr. Dies brought out. You were told the author of 'Under Cover' is a traitor and should be indicted for sedition. There are Legionnaires here tonight who have always supported Mr. Dies. I challenge the American Legion of this County to support Mr. Dies in his charge against that rascal who tried to prove that Henry Ford was a paid emissary, and Senator Hiram Johnson, of California. Was Barkley sincere? Sure he was, about getting re-elected next fall in a state that went Republican.

* * * *

I want to say something else. The scurrilous liars that have been attempting to impugn my patriotism have accused me of promoting race-hatred between the blacks and whites. May I remind you that it was Senator Bilbo who said: 'Drive those nigger lovers out of the South.' The District Attorney has written me a beautiful letter that is available in photostat for the Legion Posts of the American Legion. Let me warn the minorities. There are sinister influences at work. I challenge any Jew or friend of the Jews to cite one instance where I have ever promoted anti-semitism.

* * * * *

Charles A. Madden is an honored citizen of Pittsburgh; a past Commander of his Legion Post; a man whose patriotism and Americanism has never been impugned, whose two nephews have already been killed in this war. We got off on the wrong foot in this town, the only town in America. Our enemies rolled up lies that were believed. Yes, we will admit the only reason we brought this Legionnaire here is to have him stand between us and our enemies. I want Mr. Madden to open, first, by quoting for you from memory the Declaration of

Independence. Let me tell you a little joke. He was quoting the Declaration of Independence for a big rally and one of our enemies stepped in--he was sent there to get Madden. He listeded in on Madden right in the middle of the Declaration of Independence and said: 'Listen to him. I don't like that; sounds like a damned Nazi to me'. What he was quoting was the Declaration of Independence. I present to you this good man, this rugged American, Charles A. Madden. Let's give him a hand. (Applause).

* * * * *

CHARLES A. MADDEN:
members and my fellow Americans:

Mr. Stoffel, Mr. Smith,

My only interest in this great nation of ours is for a good government while I live and the privilege of bequeathing to my children a good government when I pass on.

I became interested in Mr. Smith, and my only interest was the truth. Before I spoke for Mr. Smith I investigated every word that Mr. Smith had spoken, and I didn't take the records of the Communist Party or somebody else who was interested in damning Mr. Smith. I took factual evidence, and making any statement unsupported by facts only affects the character of he who makes the statement. I am sorry to say that some people make statements unsupported by any facts, to go out and get a lot of publicity and then have to retract it later. I am interested in the government our fathers bequested to us.

The Constitution of the United States is an admirable document. Mr. Gladstone, who was a Britisher at the time-- British Prime Minister--said the constitution of the United States was the greatest document ever struck off by the brain and purpose of man and would be given a place in the history of the world.

I am interested in that document. I am interested in its preservation. I am interested that it will stand as a rock and when the flood tide sweeps over it will be still a rock, and when the flood tide recedes--and we have had a little flood tide in the last ten years--the constitution has been preserved, thank God, and the flood tide is receding.

Our fathers were opposed to tyranny and saw it in action. When they penned that great document they not only protected everybody who came under the constitution of the United States but they

made it a document wherein those who had charge of it could not use it to the detriment of the people. They gave us an executive, a legislative and a judicial government, under which all of the people of the land would be protected equally under the law.

The beginning of our Americanism was when Thomas Jefferson penned the Declaration of Independence and I, as a small boy, was taught in the school, down in West Virginia, to recite the Declaration of Independence, and I have always been interested in everything pertaining to the preservation of the United States constitution.

I will recite the Declaration of Independence for you and I hope that no one, because I do, will say that I am attacking any kind or organization or other because I am only interested that our flag will float over this land; that no constitution shall be above our Constitution and no flag float above our flag.

(Here Mr. Madden recited the Declaration of Independence.)

My fellow Americans, that is the day Americanism started, right there. Patrick Henry's address in the Virginia Assembly, which I also know from memory, was a while ahead of that; the famous 'give me liberty or give me death'; that is all you hear; Patrick Henry said many things besides 'give me liberty or give me death'.

But our fathers went on to fight a war and throw off tyranny, and the same people came to establish this great government under which for 155 years we have lived at peace as a unity.

Now, within the last few years, there have been attempts to put a flag above our flag.

Over a year ago I appeared before the Senate Military Affairs Committee and I have the document here that was put out by that Committee, exposing this flag which some one said is the United States flag or the Cambridge flag or something else. (Showing flag.)

I would like to explain to you people what this flag is. It isn't the United States flag. That is a 'Union Now' flag of Federal Unionism, Inc., which has offices in New York, number 1 Fortieth Street, or number 10 Fortieth Street, New York City.

That isn't the American flag. All they left us were the stripes. Where is New York? New York is represented in our flag as one of the Thirteen states. New York isn't there. My state of Pennsylvania

isn't there. Our state gave us the Declaration of Independence, the constitution of the United States and Betsy Ross made the first American flag in Philadelphia. Texas isn't there. California isn't there. Illinois isn't there.

Now, instead of condemning us for exposing this thing with the gold star, one state; the star of Bethlehem which represents the theocratic state, one government over all--that is what that flag is. I am sorry that it was represented as being the American flag because it isn't an American flag. The Empire State must go; the State of Pennsylvania must go, the state that gave us the flag, the state that gave us the Declaration of Independence, and the State that gave us the Constitution, and there is set up a government above our government, a union with great freedom. I exposed this thing before the Senate Military Affairs Committee on April 17, 1943. I have the document here.

Let us protect the flag with the 48 stars. That is our flag. Some people have said, 'Oh, that is just the flag we made up. We went down to the Anning Flag people in New York, the biggest flag manufacturers in this nation. We went in and asked to buy a 'Union Now' flag and they sold us that flag. They didn't sell us a Cambridge flag. I know what the Cambridge flag is, and I know well what it is; the King James and King Arthur star and cross in the corner. That is not the Cambridge flag (referring to flag in hand), that is the 'Union Now' flag. We don't need 'Union Now' with anybody on the fact of this earth.

The best answer to that is the fact that in 1917 and '18, when I and my comrades back there, went over to make the world safe for democracy, who had to come to the rescue of the great democratic republic of the western hemisphere? We went over there and straightened out Europe's trouble. Don't let anybody tell you we didn't win the war because we did. It was the politicians at the Peace Table that lost the war after we had won it.

This great republic here was able to go across to save Europe in '17 and '18. That is one reason we don't need anybody to help us. They have been fighting over there for thousands of years and couldn't save themselves.

Now, in 1939, when war started, it was the same old problem--to get us into the war. Who had to come to the rescue? America, the home of liberty, the great republic, the country of a free government, free men preaching individual liberty. We are the people that had to go to rescue the masses that don't have the brains enough to keep from fighting.

So why do we have to ally ourselves with them in Union Now? So instead of being at war for twenty years we will be perpetually at war. Those are some of the things we have come here to tell, and I will tell that truth until death perish my name, perish my liberty but let America be free; let her be independent.

Who are some of our critics? Mr. Winchell said Mr. Smith jumped on this flag here in Buffalo. Mr. Winchell was uninformed. If he had known the truth, I don't think he would tell an untruth. He was misinformed. Somebody told him Mr. Smith jumped on the American flag. Mr. Smith would not jump on the American flag, but he would be attempting to jump on something they are attempting to put above our flag.

I will tell you something about Walter Winchell. I will give you facts. In the Readers Digest of 1939 they accused us of being isolationists; we are still isolationists, and here are two years that are making history. History is in the making all the time. Maybe twenty-five years after somebody is dead they find out somebody instead of being wrong was right. Here is something from the Readers Digest. This is a copy of the Ave Maria Magazine, the official publication of Notre Dame University.

'Walter Winchell has been retired from active duty in the Navy because of his criticism of members of Congress who were isolationists before our country got into the war.'

Winchell is arousing our people to war, but Winchell was a greater isolationist than any of the people he criticized. He only turned turtle when it seemed expedient for him to get on the administration's band wagon so he could continue broadcasting.

Let's quote the Readers Digest of June, 1943.

Once again America is playing with the loaded dice of destiny. Once again America is playing the old school, but if we are to have another unknown soldier, let us not ask him to die for an unknown reason or in the mud where he will not increase America's resources. The last war merely ruined our fertile land. In the last war we loaned our gold and got gold-bricked in return. If Mr. Winchell jumped through the hoop at the opportune moment, as a reward he has been put on the inactive list where he can continue his broadcasting to his heart's content.

Mr. Winchell was a greater isolationist than I was. I am for co-operation with all nations. I believe what George Washington

believed; co-operate with all nations, covet good relations with all nations, but engangling alliances with none. Against the insidious wiles of foreign governments I abjure you to believe the philosophies of the people ought to be constantly awake, since foreign intervention is the surest way to destroy a republican form of government. That was George Washington.

We are going to have a great crop of young American men returning crippled. I belong to an organization, two or three organizations, that are pledged to assist these boys. I am a member of the American Legion, the Veterans of Foreign Wars, 40 & 8, and the Naval Veterans. I know what we went through. I know how we had to pound up the steps of the capital and back, pleading for the rights of the veterans of the last war. I know all of those things well. They finally were able to get through a little bit of legislation for the benefit of the veterans.

This newspaper here is March 10, 1933. That is six days after the present chief executive took office. Here is the message. He started out with the Economy Act that took more from the Veterans; it took four times more from the veterans than it took from anyone else. Too often in recent history liberal governments have been wrecked on the rocks of loose financial programs. Avoid this danger. It is too late for leisurely approach to the problem. We must not wait to act several months hence. The emergency is acute. We must meet it. We must meet it with resolute purpose. Now, the members of Congress are in agreement on economy. I believe you and I are in complete agreement and my duty is to advise you as to the methods. I am not speaking to you in general terms. I am reading from records.

In other words--I am dictating to you. That was on March 10.

Those were days when there was mass hysteria. You could propose a piece of legislation one day, send it down and get it passed the next day. House votes five hundred million federal out. This is March 12, 1933. Veterans benefits slashed. Reduction in veterans' benefits estimated at four hundred million dollars a year, partly to be achieved by provisions of law and partly by bread powers given to the President to discontinue all benefits to World War Veterans subject to permanent disability. This omits the phraseology 'to increase the 8 1/3 cut to 15 per cent'. That has reference to members of Congress and doesn't have reference to veterans. In that cut the veterans were cut four hundred millions. There was a cut of five hundred millions but four hundred millions were taken from the veterans of the last war.

The question in my mind is this: Should we entrust to a man who made this cut on the veterans, a man who vetoed the soldiers' bonus when it was passed and thank God congress passed it over the veto because I needed it and many others did too? Should we entrust--and he has asked for the privilege of handling all the legislation of this war--should we entrust that to the chief executive to do the returning veterans as he sees fit?

For my part, I would give him a year's pay. I would tell him, when handing him his discharge, that he can go and look for a job for a year and if he don't find it we will pay him anyhow.

I ask you people in Providence to be honest, investigate. If that is brought out and there is mass hysteria abroad in the land, people in a hurry to beat their breasts regardless of many statements that are not true, I don't care where our flag floats, let that flag stand for justice wherever it floats. Let it stand for justice between man and man, between nation and nation, for humanity always.

I think that what we should do is, go and kneel in calmness, in spirit, and pray that the spirit of George Washington might return to us."

** ** *

THOMAS COOKE BROWN, Editorial writer for the Courier-Express advised that he "happened to be on the mezzanine floor of the Hotel Statler a few minutes before 8:00 P.M., March 31", when he met subject. He stated he advised subject that the photographer and reporter were present in the hotel and requested that they be permitted to attend the meeting which he was holding. He stated that SMITH told him he would be glad to have them present and he was sorry that "you cannot attend". BROWN stated that he explained that he was free for the evening and would like to attend. Whereupon SMITH invited him.

He told Agent that he attended the meeting and estimated that there were about one hundred sixty in attendance, adding that they were mostly women and mostly all members of the Economics League, with the exception of the representatives of the American Legion. BROWN stated that in his speech SMITH charged that the City of Buffalo had violated the Bill of Rights of the Constitution in denying him the right to speak to the public in the city-operated or other community halls. SMITH said that his local committee

would take its case to the Supreme Court, if necessary.

According to BROWN, SMITH also stated, "I have been denied the privilege of speaking in the same auditorium used by EARL BROWDER, head of the Communist Party, HARRY BRIDGES, who was called a Communist by Roosevelt's own Attorney General and JOHN ROY CARLSON, author of 'Under Cover' and the man Representative MARTIN DIES calls un-American." SMITH stated that the "America First" stands for Americanism and nothing else. BROWN also told Agent that in his speech SMITH declared that it was the "Left Wingers and Fourth Dealers" who were smearing him and the America First Party.

SMITH said the Party was for all the "necessary spending for the war effort, but not for the six billion dollars spent in South America, when this could mean \$1,000.00 if distributed after the conclusion of the war." SMITH said that he was against any president holding office for more than two terms and that "if the Roosevelts should be divorced completely from politics after the next election, Willkie go to Moscow and Wallace peddle milk in China", he would be happy. He continued, "If only one man of the one hundred thirty million people of this country can direct this nation of ours, then this country is shot to hell and might as well find it out at the next election."

BROWN further advised that SMITH declared that the America First has a seven-point program. These, SMITH said, were: America First in war and peace; no encroachment on National sovereignty; repeal of bureaucratic fascism; fight New Deal Communism; general treatment of Veterans of World War #2; no labor draft and return of system of private enterprise. BROWN also stated that at one point in his speech, SMITH related that the head of a theological school in Minneapolis, upon his recent visit to that City, had asked him to dedicate a part of their library to SMITH's father who had been a well-known Baptist preacher in that area. He also stated that SMITH said that he was not opposed to any religious group and pointed out that his own son was a Catholic.

BROWN advised Reporting Agent that the American flag was displayed at the front of the room throughout the meeting and that during the course of MADDEN's speech, MADDEN exhibited the Cambridge flag, with the exception of the fact that there was a star in the middle of the Union Jack, and stated that "this isn't the American flag."

Excerpts of the speeches of SMITH and MADDEN which were transcribed by EUGENE J. KNISLEY were exhibited to BROWN; whereupon he stated that, in his opinion, the excerpts together with the foregoing comments made by him furnished a rather complete account of the meeting.

PAUL WAMSLEY, [redacted] Buffalo, Principal of Public School #51, Buffalo, and Chairman of Erie County Americanism Committee of the American Legion, was contacted and advised that upon receiving notice that a meeting was booked in the name of the American Legion of Pittsburgh, he, accompanied by MORTON P. LEVY, Chairman of the Americanism Committee of the Jewish War Veterans of the United States, at the time of the meeting went to the Fillmore Room of Hotel Statler and requested that they be granted permission to attend the meeting. He stated that a man at the door of the hall politely told them that it was a meeting of the Economics League and that it was not open to outsiders. He advised thereafter that they were of the opinion that Dr. HAWN was already inside the hall and they had him paged. He stated that thereafter they accompanied Dr. HAWN to the meeting.

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WAMSLEY specifically pointed out that while SMITH at one point in his speech told his audience that a public meeting would be held by him in the future at Buffalo, the place and time of which he would announce later in the evening, he failed to make this disclosure at any time throughout the meeting. WAMSLEY was unable to furnish any additional information regarding comments made by SMITH or MADDEN at the meeting.

MORTON P. LEVY, tailor, [redacted] Chairman of the Americanism Committee of the Jewish War Veterans of the United States, Buffalo, New York, confirmed the facts furnished by WAMSLEY. LEVY delivered to Reporting Agent copies of the following pamphlets which were distributed at the meeting: Pamphlet entitled "666 SLAVE ACT", which was the statement made by GERALD L. K. SMITH in testimony before U. S. Senate-Military Affairs Committee on February 5, 1944.

Pamphlet entitled "ARE FOOD SUBSIDIES NECESSARY?" by WILLFORD I. KING.

Pamphlet entitled, "ARE THE UPPER INCOME CLASSES GETTING AN INCREASING SHARE OF THE NATIONAL INCOME?" by WILLFORD I. KING.

Pamphlet entitled, "THE WELFARE STATE - DO YOU WANT IT IN AMERICA?" by S. B. PETTENGILL.

Pamphlet entitled, "DESTRUCTIVE TAXATION", which was an editorial appearing in the New York Journal-American on June 11, 1943.

Pamphlet entitled, "JEFFERSONIAN DEMOCRATS vs. NEW DEAL" by S. B. PETTENGILL.

Pamphlet entitled, "I AM PRIVATE ENTERPRISE", re-printed from Benjamin DeCasseres' column in the New York Journal-American.

Leaflet entitled, "BISMARCK'S GOLDEN CHAIN" by
SAMUEL B. PETTENGILL.

Leaflet entitled, "COMING CRISIS IN OIL" by
S. B. PETTENGILL.

Leaflet entitled, "TEN POINTS
THEY COST SO LITTLE
THEY ARE WORTH SO MUCH!"

Leaflet entitled, "LINCOLN ON LIMITATION"

Leaflet with certificate of the "Constitutional Money
League of America" printed thereon.

Mr. LEVY also advised that envelopes and pencils for contributions
to the America First Party were distributed, adding that SMITH stated that
if the persons in attendance made large contributions, they could keep the
pencils.

The above mentioned pamphlets are being retained in the exhibit
envelope of this file in the Buffalo Field Division.

JOHN A. WOLFE was subsequently interviewed and advised that he atten-
ded a meeting held in the Fillmore Room of the Hotel Statler on March 31,
1944, but that he did not arrive at the meeting until approximately 9:00 P.M.
WOLFE delivered to Reporting Agent a copy of "THE CROSS AND THE FLAG" for
March, 1944, Volume 2, Number 12, which he stated were being sold at the
meeting for twenty-five cents. This copy is also being retained in the
exhibit envelope of this file in the Buffalo Field Division.

WOLFE pointed out to Reporting Agent that he noticed a girl in the
front of the room throughout the meeting and noted that she took a few notes
during the course of the meeting. He stated that he was of the opinion that
this girl must have been SMITH's Secretary. WOLFE told Reporting Agent that,
in his opinion, SMITH throughout the course of his speech appeared some-
what at a disadvantage, adding that possibly this was caused by the un-
expected visitors at the meeting.

Mrs. WINFRED EATON COREY, Director, Kleinhans Music Hall Management,
Inc., The Circle and 14th Street, Buffalo, New York, advised Reporting Agent
that JOSEPH H. STOFFEL, President of the Economics League, who resides at
98 Comstock Avenue, Buffalo, attempted to rent the Mary Seaton Room for
October 25, 1943, advising that the following persons would speak: SMITH,
Congressman CLARE HOFFMAN and CHARLES MADDEN. Mrs. COREY stated that she
advised STOFFEL that the hall was not available for that date and referred

him to the Buffalo Municipal Auditorium, where SMITH was not permitted to speak.

She stated the next contact she had with STOFFEL was on March 13, 1944, when he made inquiry as to when the Mary Seaton Room would be available, advising that the Economics League intended to feature SMITH as a speaker. Mrs. COREY advised him that the room would be available May 16, 1944 or May 17, 1944, and told him to make a formal request in writing in the near future, in the event one of the dates was suitable. She advised that she contacted STOFFEL on March 27, 1944, and that he told her that the Economics League desired to rent the Mary Seaton Room for a rally to be held Wednesday, May 17, 1944, at 7:30 P.M.

STOFFEL subsequently confirmed this rental by letter dated March 27, 1944, which letter set forth: "The speakers on this occasion will be: Commander CHARLES A. MADDEN, American Legion Post, Pittsburgh; GERALD L. K. SMITH of Detroit; Congressman CLARE HOFFMAN is expected and if unable, some other nationally known person will substitute. Mrs. COREY advised that the rental for a four-hour period would be seventy-five dollars, plus ten dollars for the use of the public address system.

Mrs. COREY advised Reporting Agent that the Mary Seaton Room seats seven hundred ninety persons. She pointed out to Agent that the Kleinhans Music Hall, while owned by the City of Buffalo, is managed by the Kleinhans Music Hall Management, Inc., and that the City officials have no voice whatever in deciding to whom the hall should be rented. She stated that she was cognizant of the fact that the City of Buffalo had denied use of the Buffalo Municipal Auditorium to the Economics League to feature SMITH, but pointed out that it has always been the policy of Kleinhans Music Hall to in no way hinder freedom of speech, and consequently, they would have no basis for refusing to permit SMITH to speak in the hall.

She added that, in the event SMITH or any other person makes seditious statements in the hall, it would constitute sufficient grounds for their refusal to rent the hall in the future.

- P E N D I N G -

BU 14-7

UNDEVELOPED LEADS

THE BUFFALO FIELD DIVISION

AT BUFFALO, NEW YORK

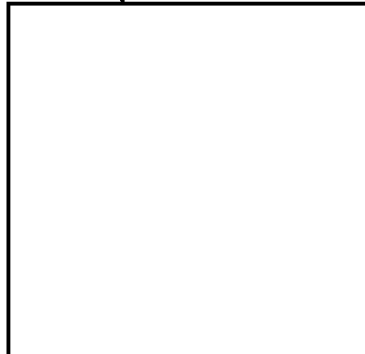
Will report activities of meeting of Economics League scheduled to be held May 17, 1944, at 7:30 P.M., at Kleinhans Music Hall, Buffalo.

BU 14-7

Identity of confidential informants mentioned
in the foregoing report of Special Agent
VINCENT M. QUINN, dated April 14, 1944, is
as follows:

T-1

T-2



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BU 14-7

A copy of this report is being designated for the St. Louis Field Division inasmuch as the City of St. Louis is referred to in the first paragraph of the excerpts of SMITH's speech set out in the foregoing report of Special Agent VINCENT M. QUINN, dated April 14, 1944, at Buffalo, New York.

Office Memorandum • UNITED STATES GOVERNMENT

RHC:PC

TO :

MR. D. M. LADD

FROM :

R. H. CUNNINGHAM

SUBJECT:

GERALD L. K. SMITH

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/7/82 BY [REDACTED]

May 15, 1944
9:40 A.M.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Coffey _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Mohr _____
Mr. Carson _____
Mr. Hendon _____
Mr. Mumford _____
Mr. Jones _____
Mr. Quinn Tamm _____
Tele. Room _____
Mr. Nease _____
Miss Beahm _____
Miss Gandy _____

SAC Little of the Buffalo Office called at this time and advised that Gerald L. K. Smith will be in Buffalo on May 16th. He stated that Smith is scheduled to make a speech there on the evening of May 17th.

Little advised that Smith has made reservations at the Statler Hotel and requested authority to install a microphone surveillance in his room. I told Little if it could be done very discreetly and without any embarrassment to the Bureau, he could go ahead with this installation.

RECORDED

27 MAY 18 1944

62-43816-484

17 MAY 14 1944

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

This Case Originated at **DETROIT, MICHIGAN** DETROIT File No. 62-1126

Report Made At	Date When Made	Period For Which Made	Report Made By
DETROIT, MICHIGAN	9/3/43	7/3, 8, 10, 17, 22, 24; 8/10, 14, 16, 18-20/43	JOHN W. WOLF

Title
GERALD LYMAN KENNETH SMITH, with aliases
Gerald L. K. Smith, Gerald L. K. Schmidt;
THE COMMITTEE OF 1,000,000

INTERNAL SECURITY -
CUSTODIAL DETENTION
SEDITION

Mr. Tolson
 Mr. E. A. Tamm
 Mr. Clegg
 Mr. Coffey
 Mr. Glavin
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Acers
 Mr. Carson
 Mr. Hendon
 Mr. Mumford
 Mr. Starke
 Mr. Quinn Tamm
 Mr. Nease
 Miss Gandy
 Files

Synopsis of Facts:

~~STRICTLY CONFIDENTIAL~~

DECLASSIFIED BY
 ON 8/10/72

Informant ☐ states that SMITH has been contacting numerous officials in an attempt to point out to them that he had no connection with the recent race riots in Detroit. Informant states SMITH requested Senator ROBERT REYNOLDS to secure a copy of the Dies Committee report relative to Reverend C. WILLIAMS, who has been criticizing SMITH in this area. In accordance with this request REYNOLDS forwarded to SMITH a copy of the Dies Committee report regarding WILLIAMS. SMITH has maintained rather close contact with REYNOLDS and Senator NYE relative to future plans, etc. Reverend WINROD has advised SMITH that a new organization, "The Christian Civil Liberties League" is about to be launched and has requested the aid of SMITH. SMITH has indicated that he intends to start suit against WALTER WINCHELL for alleged libel. NYE has requested SMITH to sign all future correspondence with the name "WALTER" rather than SMITH. SMITH has stated that he is going to

Approved and Forwarded

Special Agent in Charge

Copies of This Report

- 5 - Bureau 62-43818
- 2 - Buffalo
- 2 - Chicago 100-7744
- 2 - Cleveland 100-7463
- 2 - Indianapolis 100-4754
- 2 - New Orleans 62-1194
- 2 - New York 100-19707
- 2 - Pittsburgh
- 4 - Detroit

COPIES DESTROYED
 83 OCT 13 1964

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 10/5/82 BY

RECORDED & INDEXED

DECLASSIFICATION
 8/10/72

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(DE 62-1126)

attempt to have the America First Party placed on the official ballot in the state of Michigan in the next election; SMITH has expressed great displeasure with statements made in the recently published book "Undercover" and has indicated a desire for a senatorial investigation of the book. Senator NYE came to Detroit on about August 9th for a one day visit with SMITH. Copies of SMITH's correspondence obtained from Informant [] and set forth herein.

-P-

REFERENCE: Report of Special Agent JOHN W. WOLF, dated July 23, 1943 at Detroit, Michigan.

DETAILS: AT DETROIT, MICHIGAN

Informant [] whose identity is known to the Bureau, has advised the Detroit Office that SMITH has been contacting numerous state officials, the Detroit Office of the Federal Bureau of Investigation, the Dies Committee and other organizations in an attempt to convince the above-named organizations that neither he personally nor his party had anything whatsoever to do with the race riots in Detroit. SMITH has also made releases to the press denying any participation in the race riots. During all this time SMITH has stated that it was his opinion that the COMMUNIST PARTY was more responsible for the recent race riots in Detroit than any other organization; that his name was brought into the race riots by a Reverend CLAUDE WILLIAMS, who he alleges is backed by the COMMUNIST PARTY. SMITH states WILLIAMS has been acting under instructions from the COMMUNIST PARTY in an attempt to blacken SMITH's name by advising all church people in this vicinity that he, SMITH, had an active part in the riots. SMITH has complained to the various churches throughout this area that although WILLIAMS claims to be a minister he should not rightfully make that claim inasmuch as he is not recognized as a minister of any church.

Along these same lines informant stated that he had received information to the effect that SMITH had contacted Senator ROBERT REYNOLDS at which time SMITH requested REYNOLDS to attempt to secure a copy of the Dies Committee report concerning the Communistic connections of WILLIAMS. Along these same lines it is interesting to note that Informant [] whose identity is known to the Bureau, furnished to the Detroit Office a copy of a letter sent by SMITH to REYNOLDS under date of July 7, 1943, which letter is being quoted verbatim hereafter.

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(DE 62-1126)

"Dear Bob:

"Pursuant to our personal conversation, may I take the liberty of reminding you that you will do me a great favor if you will ask the Dies Committee to give you a memorandum concerning the activities of one Claude Williams.

Williams is the man who has been attempting to involve me in the race riots. The record shows that he is a Communist and has a very bad background, although he poses here as a Presbyterian preacher.

Sincerely,

At a later date Informant [] turned over to the Detroit Office a copy of a memorandum which informant stated had been received by SMITH from REYNOLDS. This memorandum apparently is a memorandum prepared by the Dies Committee setting forth the alleged Communistic affiliations of CLAUDE WILLIAMS. This memorandum is not being quoted in full in this report, but it is being noted that a copy of the memorandum is being retained in the Detroit file relative to WILLIAMS.

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Informant [] stated further that he had received information to the effect that SMITH was making a definite effort to have the America First Party placed on the official ballot in the state of Michigan in the next election and that in fact SMITH at a recent meeting had proposed to his audience that his business manager, BERNARD DOMAN be selected as their candidate for mayor.

Informant [] has advised the Detroit Office on numerous occasions that SMITH was making preparations for the institution of a libel suit against WALTER WINCHELL for alleged libelous statements made by WINCHELL in one of his radio broadcasts. It is being pointed out at this time that SMITH is complaining of the fact that in one of his radio broadcasts WINCHELL is alleged to have made the remark that SMITH trampled on the American flag while addressing an audience at Buffalo, New York. SMITH admits that he trampled upon a flag, but that this flag was definitely not the American flag, but that it was rather a flag which he was exhibiting to the audience which in his opinion was the flag selected by certain groups within the United States who were favoring the definite unification of the United States and Great Britain.

Informant stated that he had received information to the effect that SMITH had contacted Mrs. KNOWLES, one of his ardent

(DE 63-1126)

followers in Detroit, with the suggestion that she, Mrs. KNOWLES, sponsor a meeting in Detroit and invite Representative CLARE HOFFMAN of Michigan to attend that meeting and that he, SMITH, would take care of all the expenses.

Informant related further that on or about August 9, 1943 SMITH had been in telephonic contact with the secretary of United States Senator NYE and at that time SMITH requested information of the secretary relative to the character and activities of one JOHN M. HENSHAW, who had allegedly been sent to Detroit for the purpose of securing information from SMITH. SMITH was advised by the secretary that HENSHAW apparently had been O.K.'d by Senator NYE.

Informant stated that SMITH has been greatly perturbed for the past few weeks over the recently published book "Undercover", said book having been written by one JOHN ROY CARLSON. It is being noted that SMITH is referred to in this book in a rather derogatory manner and SMITH has indicated a desire to have the book made the subject of a senatorial investigation. SMITH has also indicated to informant that this book was being backed by WALTER WINCHELL.

Informant [] stated he had received information to the effect that United States Senator NYE had been in Detroit either on August 9th or 10th, apparently for the purpose of discussing with SMITH future plans for the America First Committee and other political theories with regard to the coming presidential election.

Informant [] whose identity is known to the Bureau, has advised that NYE was actually in town on about that date and at that time NYE stated that he did not desire to register in any local hotel; that in fact NYE had only been in Detroit one day, leaving Detroit by plane on the evening of the day of his arrival.

There is being set forth hereinafter the substance of information received from Confidential Informant [] whose identity is known to the Bureau. It is being pointed out that Informant [] has furnished copies of various communications sent by SMITH and received by SMITH for the past month.

A memorandum entitled "THOM DOUAIST, [] Detroit, Michigan." In this memorandum SMITH sets forth the fact that at the close of one of his meetings he was approached by a woman who called herself Miss LITTLETON, who advised SMITH that she was a member of his organization. In this memorandum SMITH stated that he believes this woman's real name to be DOROTHY WARING, employee of the Non-Sectarian Anti-Nazi Jewish League. SMITH states that in his opinion this individual

(DE 62-1126)

was definitely trying to secure information for the purpose of framing him and discrediting him in the eyes of the whole country.

Copy of a letter dated August 2, 1943 addressed to GEORGE SOKOLSKY, New York Sun, New York, New York. In this letter to SOKOLSKY, SMITH mentioned the fact that KAHN of "The Hour" was here to see him in Detroit and that KAHN had made the statement that SOKOLSKY was anti-Semitic. In his letter SMITH requested SOKOLSKY to come out to see him sometime.

A letter addressed to Mrs. IDA M. COOPER, [redacted] New York, dated August 2, 1943. Mrs. COOPER apparently had written SMITH complimenting him on his recent activities. He requested information from Mrs. COOPER relative to some case she had been interested in, stating that he would like a detailed statement from her so that he could write something about it in "The Cross and the Flag". SMITH advised Mrs. COOPER that he was forwarding one dozen extra copies of his magazine with his compliments.

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Under date of August 3, 1943 SMITH wrote a letter to Mr. HARRISON E. SPANGLER, chairman of the Republican National Committee, inviting SPANGLER to attend one of his meetings, preferably the meeting to be held in Pittsburgh the night of August 7th. In his letter SMITH stated as follows: "We America Firsters (who are becoming more numerous every day) are reasonable enough to realize that we cannot expect the Republican Party to work miracles, but if given half a chance we will go along".

Letter dated August 3, 1943 to Miss PATRICE SHUETTE, [redacted] N.W., Washington, D. C. In this letter SMITH refers to a visit made by himself to the home of Miss SHUETTE and thanks her for her kind interest shown in his welfare. SMITH advised SHUETTE that he was forwarding twelve copies of "The Cross and the Flag" for her to present to her friends.

Letter dated August 2, 1943 addressed to Congressman MARTIN DIES, Dies Committee, Washington, D. C. which is being quoted verbatim.

"The book, 'Under Cover,' definitely brands you as a Hitler agent.

"I do not see how you can fail to investigate the writer of this scurrilous volume.

"It is my opinion that a careful investigation would reveal a terrible tie-up between Walter Winchell, Birkhead, P.M., the Communist Party and the author of this book."

(DE 62-1126)

Letter dated August 2, 1943 to United States Senator
ROBERT R. REYNOLDS, quoted verbatim as follows:

"Dear Bob:

"I believe that Martin Dies should call in this fellow Carlson who wrote the book 'Under Cover.' It is the most brazen piece of character assassination that I have ever read.

"I do not think that you people who are in the Senate and in Congress can ignore this book. If these rascals are allowed to get by with this stuff, they will come out with stronger and more extreme material.

Sincerely yours,

A letter dated August 4, 1943 addressed to REYNOLDS
quoted as follows:

"Dear Bob:

"Just received your telegram. I am glad to know that you propose to investigate the Winchell-FM 'Under Cover' conspiracy. These rats must be nailed before they start destroying innocent people.

"For instance: In the same town in which my Mother lives is a family by the name of Topping. They come from a long line of Baptist Christians. One branch of the family, Rev. and Mrs. Topping, have given their entire lives to Japanese Christian missions. Rev. Topping died in the service of Christ. Mrs. Topping, now 80 years old, refused to return to the United States, just as many priests and ministers of Christ have refused to do, preferring even to live in leper colonies rather than to desert their converts whom they have learned to love like brothers and sisters. For two Sunday nights Winchell has branded Mrs. Topping, the aged widow of 80 years, as a traitor.

"What more wretched thing could any man on this earth do aside from the way he abused Mrs. Lundeen immediately following her husband's death. He is a sadist and a rat, and I doubt if you, Nye and the rest of them can even continue to hold the respect of your friends if you allow him to get by with what he is now doing.

"Even good people are beginning to say: 'Well, if the things are not true he would not dare to say them'.

(DE 62-1126)

"I think you will find that Birkhead, the Communist Party, PM, Winchell and the author of the new book are all in the same nest—the same rat's nest together.

"For your confidential information, I am bringing suit for \$100,000 against the local radio station which carries Winchell's broadcast. If we win, then, we will take the rest of them one at a time.

"Imagine how my old Mother, 77 years old, must feel when she hears Winchell say over the radio that her son jumped on an American Flag and spit on it. That is too much. I believe if he were able to come to this town he would never leave it alive even though I would act as his personal defender.

Sincerely yours, "

A letter dated July 30, 1943 address to WILLIAM E. DOWLING, Prosecuting Attorney, Detroit, Michigan, quoted as follows:

"Dear Mr. Dowling:

"My political enemies, mainly the Communists, have been using the recent race riots as an instrument of persecution against me. As is well known by every respected agency of law and order, including the FBI, I not only had nothing to do with the recent racial outbreaks, but have been known for years as having kept my meetings and my activities free from any reference whatsoever to the negro question.

"I was on a western speaking tour when the race riots took place. I returned to find that I was being accused by certain Communists and pro-Communist agitators of actually having had something to do with the instigation of the shameful and un-American outbreak. I immediately called on Mr. John Bugas of the FBI and offered him any cooperation that he desired in the investigation of this tragic affair. As he and the Attorney General of the United States and all other law enforcement authorities know, my activities have not even touched this question.

"I thought at first that I could ignore this attempted smear, which was taken up and promoted by the Communists, but now I find that it involves the physical safety of my family. Even my wife and loved ones are receiving threats, and I cannot even permit them to go on the street without protection.

"The most flagrant character assassins who have attempted to involve me in this matter are:

- "1. Mr. Walter White, President of NAACP (National Association for the Advancement of Colored People.
- "2. Claude Williams, who poses as a home missionary, but who for years has been an active stooge of the Communist Party.

"I now come to you, Mr. Prosecutor, for protection—physical protection, as well as protection against these character assassins and others. I request you to prosecute the aforesaid men for criminal libel.

"I realize that I have been the center of controversy concerning many issues, and I am very philosophical when it comes to the ordinary criticism levelled against me by those who are in disagreement with my policies. But when it comes to flooding this community with agitators, subversive propagandists, trouble makers and character assassins who endanger the safety of my family and my loved ones, I am compelled, Sir, to call on you to protect me as you have sworn in your oath.

"I am aware that the prosecution of these individuals and others would give the defense attorneys an ample opportunity to investigate my activities meticulously. I welcome any sort of investigation. The more meticulous it is, the better, as we may just as well find out now as any time if it is possible to live in Detroit and be safe from the attacks of physical and character assassins.

"I am placing a copy of this letter in the hands of the Chief of Police of the City of Detroit. If any of the recent threats against my family and my person are carried out, this letter will serve as evidence in the files of the Police Department and of your Department, which may aid in fixing the blame where it belongs.

"I have 200,000 enrolled followers in this community whose original signatures are in my office. These people are committed to things I stand for and are devoted to me personally. It is in the behalf of these good people, who believe in old-fashioned Americanism, that I write, as well as in my own behalf. We will not be persecuted and we will not endure this abuse any longer.

These irresponsible rascals who have come into our community to incite our citizens against each other must be dealt with summarily.

(DE 62-1126)

"I am convinced that 95% of the white population and 95% of the colored population could get along in peace and harmony if these contemptuous rascals who continually incite the population could be dealt with under the law.

When these irresponsible people first mentioned my name in this connection, I announced my willingness to cooperate with any Committee of self-respecting citizens in a solution of this problem. In my statement I stressed my faith in Christian statesmanship and I expressed the belief that the pastors of the great churches—colored and white—could solve this problem if we could take it out of the hands of the agitators, the Communists and the troublemakers.

Sincerely yours, "

A letter dated July 26, 1943 addressed to United States Senator BURTON K. WHEELER, Washington, D. C., in which letter SMITH refers to the book "Under Cover" and in this letter he also states as follows: "It is important that members of congress take steps immediately to curb these ruthless character assassins. Winchell's broadcast and the contents of this book establish the fact that beyond the shadow of a doubt there is conspiracy between the Communist Party, Birkhead's outfit, Walter Winchell and FM".

A letter to Congressman CLARE E. HOFFMAN, dated August 4, 1943, quoted as follows:

"Dear Congressman Hoffman:

"Enclosed herewith is a check to cover your travelling expenses. I wish it was ten times as much.

"Would you be kind enough to have rushed to me one or two thousand copies of a recent speech which we can send out to the people who enjoyed your address the other night.

"Also tell Miss Boyer not to forget to ask the Blue Network for copies of Winchell's remarks for the last eight weeks, including August 1.

Sincerely yours, "

Under date of August 9, 1943 SMITH addressed a letter to the Blue Network, RCA Building, New York, marked for the attention of Mr. PHILLIP CARLIN. In this letter SMITH refers to the fact that although he had requested the Blue Network to forward transcriptions of

(DE 62-1126)

Walter Winchell's broadcast he had failed to receive same. SMITH was particularly interested in a copy of the August 1st manuscript.

[REDACTED] A letter addressed to Reverend HARVEY SPRINGER, Englewood, Colorado, which is quoted verbatim as follows:

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"Dear Brother Springer:

"You can plan on speaking in Chicago September 17 and in Detroit September 27.

"If you would like to help me a little bit with the arrangements at Salt Lake City, you may call up J. H. McKnight, Attorney, 206-7 Atlas Building, Salt Lake City, Utah, (Phone 4-6141) and ask him how he is getting along. I can go to Salt Lake City just before the 9th or just after—either one will be convenient. Any arrangements you agree on will be satisfactory to me. In the meantime, I will be writing to him also, but since you are closer to him there, he might accidentally want to run over to see you. Of course, the Salt Lake City meeting won't be big like your meeting because there are practically no people in the world who know how to get up meetings,

"I have written Congressman Cox suggesting that you may want to appear on behalf of about one hundred preachers before his Committee investigating radio.

"What I am about to tell you is very confidential and must not be mentioned until it comes out in the papers. I am bringing suit against a local radio station for \$100,000 because of Winchell's Sunday night talk. He at last did what I wanted him to do. He has now libelled me beyond argument. If I win this suit I will have a precedent against all the other stations.

Sincerely yours
for Christ and America,

A letter dated August 3, 1943 addressed to Mr. REX STOUT, High Meadow, Brewster, New York, quoted as follows:

"Dear Mr. Stout:

"I hold in my hand what is purported to be a photostatic copy of a letter written by you, soliciting money for the purpose of discrediting Charles Lindbergh. The sentence reads: 'money to discredit Lindbergh and destroy him politically'.

(DE 62-1126)

"I attach herewith an exact copy of the letter which bears what is alleged to be your personal signature.

"I desire to ask you the following questions:

- "1. Do you hold some sort of job with the U.S. Government?
- "2. Did you write a letter worded as the one I attach herewith?
- "3. Did you recommend a book, entitled, 'Under Cover'?
- "4. Is it true that your profession is that of writing fiction, especially detective and ghost stories?
- "5. Are you the Rex Stout who wears a beard?

Sincerely yours,

Set forth below is the contents of the letter referred to, be SMITH as set forth above. This letter bore the date December 6, 1941 with the name of REX STOUT, High Meadow, Brewster, New York, set forth at the top.

"Dear

"It will take time and money to discredit Lindbergh and destroy him politically. But it will take only a little of your time to read the enclosed report. I beg you to do so, and please return it to me so I can use it again.

"As for money, probably you can't easily spare \$10 or \$25 or \$50—few people can nowadays—but the return of Lindbergh to the seclusion and privacy he used to crave is of vital importance to all decent Americans. I respectfully and strongly urge you, though it may be far from easy, to contribute your \$10 or \$25 or \$50 to help. Surely it is worth it. A check or money order to Friends of Democracy, 103 Park Avenue, New York City, will be a nail in Lindbergh's political coffin.

Sincerely,

Rex Stout

A letter dated July 26, 1943 from SMITH to Congressman E. E. COX, Washington, D. C., in which letter SMITH advises that he knows of a very prominent Baptist preacher who would like to appear on

(DE 62-1126)

some committee in behalf of more than one hundred Baptist preachers to make a statement concerning the misuse of the radio and the intimidation that has been worked upon the owners of radio stations by the Communications Commission.

Under date of August 2, 1943 SMITH addressed another letter to Congressman COX and amplified his offer to produce a Baptist preacher to testify before the Cox Committee. In this letter SMITH stated that the preacher had instances in mind where Communists had been given generous use of the radio and gospel preachers had been put off the air. In this letter SMITH stated that he was sending under separate cover a copy of his magazine "The Cross and the Flag".

Letter dated July 26, 1943 addressed to United States Senator GERALD P. NYE, quoted as follows:

"Dear Senator Nye:

"Our mutual friend (Lindbergh) has been out of the city for over three weeks which accounts for the fact that we have been unable to consummate the hoped for appointment. We will see him just the moment he returns.

"You will receive a letter from a Committee known as the Regular Republicans, inviting you to speak under the auspices of a Committee of Republicans in the City of Detroit. You can rest assured that these people are responsible and will set up a fine meeting, just as good as you had in Chicago with perhaps a larger attendance.

"The Farmers Guild of western Ohio called me last night and are anxious to know if you are going to be able to speak for them Sunday night, September 12.

Sincerely yours,

"

Letter addressed to Senator GERALD P. NYE, dated July 26, 1943, bearing the typewritten signature of L. L. MARION, secretary. This letter is apparently the letter referred to by SMITH in his letter to NYE dated July 26, 1943. It is being noted that this letter was sent on stationery bearing the letterhead "Regular Republicans, Murray Knowles, Chairman, L. L. MARION, D.D., Secretary, Box 697, Detroit, Michigan.

Informant stated that it was his information that this letter had been typed by Smith's secretary. It is quoted as follows:

(DE 62-1126)

Dear Senator Nye:

"In the State of Michigan there are many Republicans who respect you and your statesmanship. We are developing a Committee of at least one hundred, made up of men and women who have been elected delegates to our State and County Convention.

"On their behalf I am authorized to extend to you an invitation to appear in Detroit some time between the 10th and 15th of September. The meeting will be held in the Book Cadillac Hotel Grand Ballroom or at the Masonic Temple. Both places are air conditioned and highly desirable.

"As to our responsibility, we refer you to Mr. Ernest Liebold, personal secretary of Mr. Henry Ford.

"I do not need to tell you that this letter is strictly confidential and will be treated as such until it is mutually agreed as to what publicity should be used.

"You have many friends in Michigan and they are very anxious to hear one of your statesmanlike addresses.

"Since the appearance of Henry Wallace here yesterday, I am sure that an address from you would be indeed welcome. We are assured of generous publicity and a large audience can be guaranteed.

"May we have the honor of an early reply from you.

"Sincerely yours,

L. L. MARION
Secretary

Letter dated July 27, 1943 to United States Senator NYE in which letter SMITH advises NYE that the Farmers Guild for Western Ohio desired the presence of NYE for one of their meetings on Sunday, September 19th in western Ohio. This letter to NYE was typewritten and Informant [] stated that he had information to the effect that after the letter was typewritten SMITH had added a postscript written in long hand and reading as follows: "I had a two hour conference with Mr. Ford and Mr. Bennett who handle campaign donations. They want to support you. Please let me know when you can come to Detroit after the 8th of August."

Letter dated August 1, 1943 from Bismarck, North Dakota, signed "Nye", addressed to SMITH and quoted verbatim as follows:

(DE 62-1126)

"My Dear Smith:

"Your letters are most encouraging. I find the need out here very real, even desperate.

"If you count it worthwhile I would make a trip to Detroit to arrive there early morning of Tuesday or Wednesday, August 10 or 11th, but must leave for return here not later than night of the 11th. Can picture full situation at that time after another week of survey.

"Wire me at Gardner Hotel, Fargo, you using name of 'Walker' as to which of two days suggested would be agreeable and I'll plan coming accordingly. Do think it advisable that I avoid registering at hotel while there and would appreciate letter to stated address by air mail suggesting any possible arrangement for the day upon my arrival in Detroit.

"Your wire as to date is essential in order that I might make necessary transportation reservations.

"I will be away from here, Bismarck, Tuesday p.m.

"Would like to see and talk meeting plans with Marion while there. I have his letters.

"Sincerest thanks for your interest and Mrs. Lundeen's.

/s/ Nye

"P. S. Would appreciate wire Tuesday that would let me know you received this. "

Under date of August 10, 1943 SMITH addressed a letter to the Squirrel Hill News, newspaper, Pittsburgh, Pennsylvania, in which letter SMITH refers to certain articles appearing in the paper allegedly written by Mr. SCHWERIM. SMITH alleges that the statements made by SCHWERIM in the paper were libelous and warned the newspaper in the event they printed any more statements similar to that they would be subject to an expensive law suit.

On about August 8, 1943 SMITH received a registered letter from an individual signing the name HUNTER McGUIRE, [redacted] Washington, D. C., the substance of this letter being that the writer, McGUIRE, was warning SMITH of the fact that an individual by the name of JOHN MITCHELL HENSHAW had been sent to Detroit for the purpose of "getting

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(DE 62-1126)

SMITH". The writer alleges that HENSHAW was working in close cooperation with DREW PEARSON, wellknown columnist, and advised that he was an ex-service man injured in line of duty.

In response to this letter SMITH addressed a letter to McGUIRE under date of August 9, 1943, thanking him for the information and advising McGUIRE that he had nothing to fear inasmuch all of his activities were open and above board.

Letter dated August 5, 1943 addressed to "The Leader, [redacted] San Francisco, California", marked for the attention of the editor. In this letter SMITH states that he was highly impressed with the contents of the newspaper, "The Leader" and advises the editor he has been thinking of going to San Francisco for a meeting and requesting the editor to forward the names of individuals who might be courageous enough to sponsor his meeting in San Francisco.

In a letter dated July 28, 1943 addressed to Senator NYE, SMITH stated that in his opinion Mrs. LUNDEEN was going to cooperate with them and that in his, SMITH's, opinion it will be well for Mrs. LUNDEEN to consummate certain appointment without SMITH's being present and that NYE would enjoy the maximum benefits of the cooperation they secure.

Letter dated July 29, 1943 to Reverend HARVEY SPRINGER, Englewood, Colorado, advising SPRINGER that SMITH intended to be in Denver the second week in September and that he also intended to address other meetings in Salt Lake City, Topeka, Minneapolis, Chicago. SMITH requested SPRINGER to notify him relative to any open dates.

SMITH also addressed a letter to Mrs. MARIE LOHLE, Pittsburgh, Pennsylvania, under date of July 28, 1943 and a letter to CHARLES A. MADDEN, [redacted] Pittsburgh, Pennsylvania, relative to future meetings to be presided over by SMITH.

Letter dated July 4, 1943 at Wichita, Kansas, signed by GERALD B. WINROD and addressed to SMITH, which is quoted verbatim as follows:

"Dear Brother in Christ:

"It seems, after weeks of preliminary arrangements, the 'Christian Civil Liberties League' is ready to be launched.

"You and Brother Springer canvassed the matter. Last week, during conversations in Denver, they 'handed me the ball' and now I must run with it for a few yards ... hence this letter.

(DE 62-1126)

"No loyal Preacher of the Gospel questions the necessity of such a move. No other servant of Jesus Christ must ever again be placed in the position in which I found myself a year ago, harrassed, maligned, persecuted on utterly preposterous charges.

"This matter will involve sacrifices, time, effort and money on the part of the leaders.

"I understand that 10 men have been designated to serve on the Executive Committee, with Dr. J. L. Williams -- a talented, well-equipped leader to handle routine matters, for the present from his home in Denver -- with the possibility of opening downtown offices a little later.

"Dr. Williams has developed a large correspondence with Ministers in all parts of the Country, during the past two months of efforts. He reports that reactions are most favorable and has already approximately 200 pastors and Evangelists ready, to be recorded on the 'Advisory Council.' This number can probably be expanded to a thousand, because our appeal is broad enough to include every self-respecting, Bible-believing Minister of the Gospel.

"Ten names are now assembled with one, the eleventh, to be designated later. They are as follows:

"Dr. Gerald L. K. Smith \$100
"Rev. Harvey H. Springer \$400
Rev. Henry Grube \$50
Dr. Sam Morris \$100
Dr. W. D. Herrstrom \$250
Dr. W. T. Watson \$100
Dr. W. O. Love \$50
Rev. Cecil Lowry \$50
Rev. Harry D. Clarke \$50
Dr. Gerald B. Winrod \$600

"It will be noticed that beside each name, an estimated amount has been indicated -- the sum for which each man should be responsible within the next 30 days.

"Mr. Springer and Dr. Williams, dealing with Denver Attorneys, will have the first draft of the Charter, to be sought under the laws of the State of Colorado, ready in a few days. A copy will be submitted to each man listed above by mail. Suggestions can be made and sent back to Mr. Springer. Then the finished product will be prepared...and at that time it will be necessary for all of us together.

(DE 62-1126)

"It is thought that perhaps we should meet in Washington. Care will be exercised in making public announcements through the press.

"We are men of varying potentialities, as far as money-raising is concerned. Some are Pastors, who can submit the need to their congregations and take up collections. Others will have to depend on letter writing. I am enclosing herewith a copy of a self-explanatory letter being sent to a group of my friends over the country -- by which I expect to be able to contribute \$600. Mr. Springer is sending a somewhat similar letter to the readers of his magazine, through which he expects to assemble \$400.

"It is up to each of us to use our forces to our command, for launching this worthy enterprise.

"The program can operate the first 12 months on approximately \$3,000, barring litigation. It is the present plan to underwrite the budget for the first 6 months.

"Our remittances should be made out to the 'Christian Civil Liberties League' and mailed to Mr. Springer, to be held until such time as the Charter is ready and the Committee assembles.

Faithfully yours,

Letter dated July 7, 1943 from SMITH to WINROD, quoted verbatim as follows:

"Dear Brother Winrod:

"I have just arrived from Washington, D. C., where I spent five priceless days visiting with my friends. Words cannot express my encouragement. Never have I been so cordially greeted by members of the Senate and the Lower House of Congress. Even so-called New Dealers would lead me aside and whisper in my ear their admiration for my independence and courage.

"As to the tentative plan which you present concerning the organization to be known as the 'Christian Civil Liberty League,' I am in accord and I accept my quota.

Sincerely yours,

Letter dated July 19, 1943 from WINROD to SMITH, dated July 13, 1943 at Baltimore, Maryland, quoted as follows:

(DE 62-1126)

"Dear Brother Smith:

"You are in good hands at Topeka. My information is they are proceeding right! The man working with Dr. Fehr is my good friend, a Justice of the Supreme Court of Kansas. This means the attitude of Landon, the Kansas City Star, and leading Republican groups are for the effort. This is the way I wanted things arranged. If I am back in Kansas when you are there, I will be with you at Topeka.

"I am receiving a large hearing here this week. My entire address last Sunday night was broadcast from the pulpit as delivered — 55 minutes. I am on the radio eight times this week, and the station goes into Washington clear as a bell. From here we go to Old Orchard, Maine.

"With best brotherly regards " "

Letter dated July 9, 1943 addressed to Senator REYNOLDS from SMITH, quoted verbatim as follows:

"Dear Bob:

"Pursuant to our conversation, I have instructed Dr. William S. Koch to be in your office Monday, July 12, at 10:30 a.m.

"He will carry a letter of introduction, copy of which is enclosed.

Sincerely yours, " "

Letter dated July 9, 1943 from SMITH to REYNOLDS, quoted verbatim as follows:

"Dear Senator Reynolds:

"This will introduce the bearer, Dr. William S. Koch.

"Dr. Koch is an eminent student of medicine and chemistry. He taught for a total of nine years in the University of Michigan Medical School and the Wayne University Medical School. He is now devoting his entire time to research in cooperation with about 3,000 physicians all over the United States.

"He comes to you on a very important mission.

Sincerely " "

(DE 62-1125)

Letter dated July 12, 1943 addressed to Colonel ROBERT ~~McCORMICK~~ ^{McCORMICK}, publisher of the Chicago Tribune, which is quoted as follows:

"Dear Colonel McCormick:

"On June 22, under the by-line of Frank Hughes, you carried a story in which you built up a so-called Rev. Claude Williams as blaming me in part for the race riots.

"I have just come from Washington where I interviewed the chief investigator of the Dies Committee, who disclosed the following about Claude Williams. This information is off the record, and under no circumstances am I to be quoted. My advice is that you contact the Dies Committee and get the information directly.

- "1. Claude Williams was the director of the Commonwealth College in Arkansas, and it was closed because of its Communism.
- "2. He was kicked out of the Socialist Farm Union because he was a member of the Communist Party, being too radical even for the Marxist Farm Tenant Union.
- "3. He agitates both Whites and blacks in Detroit, following the Communist Party line.
- "4. He has received money handled for the Soviet Union through an outfit known as the Sound View Commission.

"Photostatic copies to support these statements are held by the Dies Committee.

"Williams is not the pastor of a church and fills no pulpit in Detroit. Recently he delivered a series of lectures in a Presbyterian Church and split the church wide open with his Communistic philosophy.

Sincerely yours, "

A letter dated July 13, 1943 from SMITH to WINROD, quoted as follows:

(DE 62-1126)

"Dear Brother Winrod:

"I am preparing to bring suit against Walter Winchell. My attorney insists that I will have to do this in New York City.

"Knowing that you brought suit against him in Chicago, I would like information as to how you did that and how we might sue him and the Liberty Magazine in Detroit.

"Inasmuch as the Statute of Limitations would make the suit against Liberty ineffective within a few days, I desire prompt reply by air mail special delivery.

Sincerely,

"

Letter dated July 1, 1943 from SMITH to The Blue Network, Radio City, New York, New York, as follows:

"Gentlemen:

"This is to advise you that on the night of June 27 I was libeled by Mr. Walter Winchell, a commentator on your network. He made a reference to my jumping on a flag. The flag I condemned has been condemned by the American Legion, the V.F.W., and in no sense is a replica of any flag ever used by the United States.

"A Buffalo newspaper libeled me and evidently Winchell has copies this libel. Since that time the Editor of this newspaper has been compelled to retract this statement, and he gave me twenty full inches of space in which to state the facts freely on his editorial page.

"It strikes me that your friend Mr. Winchell is indulging in a rather luxurious pastime.

"Due to the tense situation now in Detroit, I am issuing a statement to the effect that if I suffer any bodily injury I shall hold you and Mr. Winchell jointly responsible. I have never heard a statement more designed to incite riot than came through your outlet last Sunday night.

"I am not optimistic about getting any cooperation from you, but I am merely writing this letter for the record.

Sincerely,

"

(DE 62-1126)

Letter dated July 14, 1943 addressed to JAMES LAWRENCE FLY, chairman of the Federal Communications Commission, Washington, D.C., quoted as follows:

"Dear Mr. Fly:

"Mr. Walter Winchell has libeled me frequently and consistently. To do this he has used a radio network known as the Blue Network.

- "1. He called me a pro-Nazi propagandist.
- "2. He falsely said I jumped on an American Flag.
- "3. He blames me for the Detroit race riots.

"All these accusations have been investigated by the Federal Bureau of Investigation and found to be false.

"What recourse do I have now that I have been vindicated by the proper agencies of the Government, but still stand accused and abused by this character assassin, Walter Winchell?

"An immediate reply is desired.

Sincerely

"P.S. A copy of this letter has been sent to Senator Burton K. Wheeler and Congressman E. E. Cox. "

Letter dated July 13, 1943 to WILLIAM ALFS, Radio Station WJR, Detroit, Michigan, which is quoted as follows:

"Dear Mr. Alfs:

"~~The~~ America First Party is now ready to negotiate for the purpose of securing radio time in which to express itself on three major issues.

- "1. American Communism as advocated by Earl Browder, whose party uses radio time on networks and independent radio stations.
- "2. Willkieism as promoted by Rex Stout and others who use the facilities of your station and the networks.

(EE 62-1126)

"3. A World Government as being advocated by numerous speakers which have frequent use of the various radio facilities.

"We are also preparing to circulate the petition necessary to put the America First Party on the Michigan ballot, which is provided for by Michigan law.

Sincerely yours,

Letter dated July 9, 1943 from SMITH to HARRY ~~ROMER~~,
St. Henry, Ohio, which is quoted as follows:

"Dear Harry:

"The offering for the St. Henry meeting was \$196 plus. The subscriptions ran between \$50 and \$60.

"My expense coming to the meeting was about \$50. It will cost just about \$50 to handle the subscriptions, making the net to the cause around \$150, not counting pledgers and steady contributors.

"I owe a great debt to you for your loyal and generous support.

"I have just talked to Senator Nye over the telephone, and I believe that it will be possible for you to bring him to western Ohio if he recovers from what, we hope, is only a temporary illness.

"I would not plan for his coming unless I was prepared to give him an honorarium of about \$200, out of which he would pay his own travelling expenses. He would like to come free, but he is not a man of means. He is coming up for election and needs a little extra money for his campaign. Of course, his presence in your community would draw a tremendous crowd.

"If you want me to proceed with a negotiation, I will be pleased so to do. If he comes to visit you, he should be sponsored either by Republicans or in the name of your Farmers' organization. We don't want to do anything to jeopardize his standing with the Republican Party, through which he will be compelled to work in order to get re-elected to the Senate.

"I never cease to appreciate you as a friend, and I trust that I may always merit your most worthy confidence.

Sincerely yours,

(DE 62-1126)

"P. S. I just returned from Washington where I had a marvelous visit with many of our friends in Congress. Our side is gaining all the times. "

A letter addressed to NYE, dated July 10, 1943, which is quoted as follows:

"Dear Senator Nye:

"A large organization of farmers in western Ohio, whose spokesman is Mr. Harry Romer, would like to have you speak at the Fairgrounds sometime this summer. I think that two or three thousand people would attend. These people are one of the most self-respecting groups in America.

"The meeting would be under the auspices of the Farmers' Organization. I think Bill Lemke has addressed them a time or two, and he knows what a fine lot they are. They are not chisellers; and I think they would provide an honorarium so that you could make the trip without any personal loss. Furthermore, I think the attendance would be so large and the reception so self-respecting that it would be good publicity for you.

"I would not appear in the arrangements personally, but I can assure you that the set-up would be ideal. Harry Romer is one of the finest men in Ohio. In fact, he should be a governor, or Congressman, or something. He knows the score completely, and cannot be intimidated. He can be relied upon to do nothing foolish that might in any way reflect on your usefulness as one of America's priceless statesmen.

"Please answer me immediately, if possible, concerning this matter. I enclose an air mail, special delivery, self-addressed envelope for your convenience.

Sincerely yours, "

A letter dated July 20, 1943 addressed to Senator NYE, quoted verbatim as follows:

"Dear Senator Nye:

"It is the desire of the western Ohio farmers to have you speak at the Fairgrounds under the auspices of the Farmers Guild at Sidney, Ohio, Sunday night, September 12, at 8 p.m.

(DS 62-1126)

"It is reasonable to believe that the attendance will be around two or three thousand farmers. The honorarium will be decent. I can vouch for these people. They are absolutely responsible.

"Our mutual friend has been out of the city, making it difficult for me to contact him. However, I am still working on it.

"Sincerely yours,

Letter dated July 10, 1943 sent by SMITH to his parents in Wisconsin, quoted verbatim as follows:

"Dear Loved Ones:

"I have just returned from Washington, D. C., and the purpose of this letter is to give you a summary of news.

"Upon returning from Denver, where I spoke to 3,000 people, I picked up the newspapers to find that the Communist Party and their radical leaders were accusing me of having some part in the race riots. In fact, they were so bold as to put the finger right on me and accuse me of agitating and laying the foundation for the race riots. Can you imagine such a lie and can you imagine such a fabrication!

"I immediately began to investigate and discovered that the story was being circulated and given life by a man who had been in Detroit about one year and who called himself 'Rev.' Claude Williams. I discovered he was a modernist who advocated the social gospel and had been in considerable trouble in the South. I learned enough about him to want to know more.

"I called Congressman Martin Dies in Washington and he told me he had quite a record on this fellow Williams, and that if I would come to Washington he would let me see it.

"Prior to this time I had received a telegram from U. S. Senator Reynolds, who is indeed my good friend, urging that I come to Washington. Since he is the Chairman of the Military Affairs Committee of the Senate, he is well informed concerning national and world-wide events, because everything in the way of policy which is carried out by the Secretary of War must come before his Committee. He meets with the Secretary of War or an official of the War Department every morning at 10 o'clock.

(DE 62-1126)

"I had also been in communication with Senator Gerald P. Nye, who seemed anxious to discuss many things of importance with me.

"This combination of circumstances made it seem practical for me to journey to Washington. We made our reservation on the B & O train and arrived in Washington the morning of July 2.

"As you perhaps know, it is supposed to be impossible to get hotel rooms in Washington, but we had made reservations in advance, and when we reached Washington we found a nice room waiting for us (aid conditioned) at that Statler Hotel. I would say that the Statler is the newest and finest hotel in Washington. The twin beds in the room were large and soft, and during the daytime rolled back against the wall and made up like beautiful davenports — thus our room during the day was a pleasant cool parlor.

"One of the first things you notice now in Washington is the scarcity of transportation. There are practically no cars on the street, and it is very difficult to get taxicabs.

"One of the first persons I contacted was Senator Reynolds. We had a long visit and discussed the war and the domestic issues. He insisted that I help him some with a radio address which he is preparing for a nation-wide hookup. It is opinion that the bureaucracy in Washington is crumbling and that people who think like I do are becoming strong rapidly.

"I next went over to the Dies Committee and conferred with the chief investigator concerning the man Claude Williams who had 'put the finger' on me in connection with the race riot. I learned the following things about Williams. These facts will doubtless come out in a future investigation.

- "1. The Dies Committee has a photostatic copy of his membership card in the Communist Party.
- "2. For years he has been supported in part by money from the Soviet Union.
- "3. He is part of the strategic personnel of the whole radical movement in America.

"Isn't it terrible when men like this, who are traitors to their country, can actually smear and attack good Americans.

(DE 62-1126)

"We, of course, shook hands with many Congressmen and Senators, and, believe me, we were royally received. The last time I was in Washington people were cagey, timid and cautious. This time they actually greeted me with open arms, complimented me on my independence, and praised me for my courage.

"We, of course, had a long visit with Congressman Clare E. Hoffman and young Congressman James Morrison from Louisiana. He is a young independent thinker who has been publicized some as the second Huey Long. He is an enthusiastic admirer of mine, and I think he has quite a future.

"Colonel Robert Brothers was also in Washington and we had two visits with him.

"It is expected that Joe Cawthorn will be the next Attorney General in Louisiana. That is hard to believe because you remember him just as a young boy in the University — and half-starved at that.

"The people in Washington that I trust seem to feel that the Roosevelt bureaucracy is being operated by the following inner-circle: Harry Hopkins, Sam Rosenman, Ben Cohen, and the mastermind, Felix Frankfurter.

"In a long visit with U. S. Senator Wheeler, he informed me that the bureaucratic Democrats are actually panic stricken. They fear that reaction is coming like a tornado and they will all wind up in a concentration camp.

"It has just been discovered that the most intimate secretary of the President, who is organizing the Fourth Term Campaign, is an ex-convict and has served time in prison under another name for a low-down sex crime. The name is now used is David Niles — his former Russian name was David Neyhus.

"We were invited out to dinner by Mrs. Evalyn Walsh McLean. You will perhaps recall her as the owner of the famous Hope Diamond. Her daughter married Senator Reynolds. She has a beautiful estate in Washington. Her husband formerly owned the Washington Post and he still owns the Cincinnati Inquirer. She entertains many people in Washington and is a source of limitless information concerning nationally known figures.

"The National Maritime Union met in convention in Washington and named the 12 most dangerous men in America whom they said the President should imprison. The enclosed press release has to do with that.

(DE 62-1126)

"Just as I am writing this letter, Eleanor informs me that Dr. Walter Maier, the world renowned Lutheran preacher who speaks over 200 radio stations every Sunday under the auspices of the Lutheran Hour, has called, inviting me to be his guest at lunch in his room in one of the downtown hotels. He is to address some sort of convention. He has been a subscriber to the magazine and an admirer of mine for some years. Occasionally he quotes from the magazine over the radio.

"I have just received two letters of unique interest — one from W. C. Durant, founder of the General Motors Corporation and the original founder of Buick Motor Company, who wrote to congratulate us on our 21st Wedding Anniversary and apologizing because of not being able to attend our meeting at the Book Cadillac Hotel (he is now 80) — the other was from Mr. and Mrs. Henry Ford thanking me a letter of condolence which I wrote to them on the death of their only son.

"This is all the news for now.

Bushels of love, "

Letter dated July 7, 1943 from SMITH to Reverend Father E. F. BROPHY, Precious Blood Rectory, [redacted] New York. In this letter SMITH thanks Father BROPHY for Father BROPHY's letter dated June 30th in which letter Father BROPHY apparently referred to a meeting in Pittsburgh, Pennsylvania. SMITH requested Father BROPHY to come to Detroit and stated that in his opinion Father BROPHY's thesis is sound and his reasoning logical. In his letter SMITH stated as follows: "I am convinced, however, that a visit to Detroit for the purpose of addressing one of our meetings would give you the encouragement and inspiration you need."

Letter dated July 8, 1943 addressed to Mrs. EVELYN WALSH McLEAN, Georgetown, Maryland, in which letter SMITH thanks Mrs. McLean for her hospitality while SMITH was in her vicinity.

Letter dated July 10, 1943 to FLORENCE HOBAN GRIESEL, Women's League for Political Education, 3454 North Lincoln Avenue, Chicago, Illinois, which is quoted verbatim as follows:

"My dear Friend:

"I appreciate your letter dated July 6. It contains substance and inspiration.

(LM 62-1126)

"I have just returned from Washington, D. C., where I had a pleasant visit with many of my friends in Congress. It is my deep conviction that we are gaining ground and that the bureaucracy is beginning to crumble.

"You in Chicago are to be congratulated on being able to bring to your community such people as Nye, Day and Shafer. These men all have a great message.

"I am interested in your League and would be flattered if you would tell me more about your activities.

Sincerely yours,

GERALD L. K. SMITH

"P. S. The renewal of your subscription has been duly recorded. "

Copies of letters were secured sent by SMITH to Mrs. M. CONAN, [redacted] Phoenix, Arizona, dated July 7, 1943 and to Mr. AUGUST GOLIBERSUCH, [redacted] Buffalo, New York, dated July 9, 1943 and MARY O. MacCAFFERTY, [redacted] Miami, Florida, dated July 8, 1943. In these letters SMITH thanks them for their support and advises CONAN that Mr. HILGEMANN had been recorded as a subscriber to "The Cross and the Flag".

Under date of July 12, 1943 SMITH addressed a letter to the Presbyterian Headquarters, 1109 Kales, marked for the attention of Mr. BUCKHOLZ in which letter SMITH refers to the character and activities of Reverend CLAUDE WILLIAMS. SMITH also requested the Presbyterian Board to take some steps to have WILLIAMS retract his accusations and his libelous statements.

A similar letter was sent by SMITH under date of July 13, 1943 to the Knights of Columbus, Detroit, marked for the attention of Mr. PHILLIPS.

Letter dated July 19, 1943 from SMITH to Colonel Lindbergh, quoted verbatim as follows:

"Dear Colonel Lindbergh:

"When I was in Washington, D. C., a few days ago, I had a long visit with Senator Wheeler and Senator Nye. Senator Nye gave me a very important message to communicate to you through Mrs. SMITH.

(DE 62-1126)

"Mrs. Smith has called your office at Ypsilanti something like eleven times and respectfully requested that you call her back.

"Evidently you have not received the messages.

"Sincerely yours,

"P.S. Out unlisted telephone number is

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In connection with the above letter informant stated that it was his information that this letter had been personally handed by SMITH to ERNEST LIEBOLD, secretary to HENRY FORD, for the purpose of deliverance to LINDBERGH at the Ford Motor Company where LINDBERGH is presently employed.

Letter dated July 20, 1943 addressed to United States Senator BURTON K. WHEELER, quoted verbatim as follows:

"Dear Senator Wheeler:

"The enclosed is self-explanatory. Of course, it is in the DAILY WORKER, which doesn't mean much. But on the other hand, the Communist cell leaders on various journals are taking up this line of character assassination.

"Why don't you insist that Martin Dies investigate this rascal Birkhead? He is indeed a racketeer and conspirator. I invite your attention to the front page of the Book Review Section of the NEW YORK HERALD TRIBUNE for Sunday, July 18.

"Of course, we all know that Mrs. Reid, who runs the Tribune, is a screwball and an internationalist, but after all when a metropolitan daily newspaper undertakes to prove that men like you and others are actually traitors to their country, it is time to put our finger on the source of this libel and expose the designers and creators of this technique.

"Sincerely yours,

Similar letters were written by SMITH to Senator NYE and the Dies Committee on that same date.

In a letter dated July 13, 1943 addressed to W. C. DURANT, Durant Hotel, Flint, Michigan, SMITH thanks DURANT for his letter of June 28th in which letter DURANT apparently speaks highly of activities.

(DE 62-1126)

Letter dated July 12, 1943 from SMITH to Senator NYE, quoted as follows:

"Dear Senator Nye:

"An informer, in whom I have considerable confidence and who is usually right on most things, writes me saying that a man of Italian descent, who goes by the name of Buzzi, and carries a letter of introduction from you to me, is an operative agent working in connection with certain Jewish Committees in New York.

"I am anxious not to injure a good person, but my source of information compels me to take this report seriously.

"I wish you would make an investigation on your own account, and if I have received the wrong information, please let me know at once — in the interest of justice.

Sincerely,

Letter dated July 13, 1943 addressed to the Dies Committee, Washington, D. C., marked for the attention of Dr. MATHEWS, quoted as follows:

"Dear Dr. Mathews:

"The report is out in Detroit that Jake Spolanski is employed by your Committee. We know he is employed by the Anti-Nazi League. What are the facts in this case?

"If you do not care to answer this letter, you can turn the facts over to United States Senator Reynolds, and he will forward them to me."

"Sincerely yours,

Letter dated July 13, 1943 addressed to Senator REYNOLDS, quoted as follows:

"Dear Bob:

"I am anxious to know if the Dies Committee has in their employ a man by the name of Jake Spolanski.

"Will you kindly inquire of Dr. Mathews of the Dies Committee, or whoever knows.

Sincerely yours,

(DE 62-1126)

Letter dated July 12, 1943 addressed to Senator REYNOLDS, quoted as follows:

"Dear Bob:

"I am informed that there is positive evidence to support the accusation that David Niles is an ex-convict. If you have such information, please rush it to me, and if it is not available, will you kindly try to find it.

Sincerely,

Letter dated July 10, 1943 from SMITH to Mr. VICTOR REISEL, New York Post, New York, New York, in which letter SMITH states that inasmuch as REISEL had shown an apparent interest in the future policy of the America First Committee, he had issued instructions that a copy of all special releases going out of SMITH's office should be sent to REISEL. SMITH also stated as follows: "I have no doubt but that the facts concerning our activities would alarm your partisan readers as much as the romantic fabrications which I find in your article of July 8th."

Informant [] furnished to the Detroit Office copies of certain correspondence in SMITH's file, one of which is entitled, "A Personal Message". This is a rather voluminous release which SMITH allegedly sent out to all his subscribers to the magazine "The Cross and the Flag" and is being made an enclosure with this report. Another article which SMITH released entitled "Race Riots" is being enclosed with this report to the Bureau. Informant also turned over to the Detroit Office various press releases which SMITH had prepared, all of which more or less concern the race riots in Detroit, Michigan, which are being forwarded to the Bureau as enclosures with this report.

Informant [] furnished to the Detroit Office a memorandum setting forth the tentative speaking dates set up by SMITH, which dates are as follows:

August 2	Detroit - with HOFFMAN
August 16	Buffalo - with Southard
August 17	Pittsburgh - with SOUTHARD
August 19	Cleveland - with GOFF
August 20	Toledo - with GOFF
August 22	Fontiac -- with GOFF
August 24	Detroit -- with GOFF
September 6	Chicago
September 7	Kinnapolis
September 9	Denver

(DE 62-1126)

September 10 and 11 Salt Lake City
September 14 Topeka
September 19 St. Henry, Ohio - with Nye
September 21 Detroit - with (?)

Informant stated that all of these dates are more or less tentative inasmuch as SMITH has encountered difficulties in various cities in securing halls for his meetings.

Informant turned over to the Detroit Office various communications sent by SMITH to those on his mailing list, copies of which are being enclosed herewith. There is also being enclosed for the Bureau two copies of the July edition of "The Cross and the Flag".

Confidential Informant ☐ whose identity is known to the Bureau, submitted the following reports setting forth his observations of meetings attended by him of subject organization.

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"Meeting was held at the Maccabees Building Auditorium on August 2, 1943. Meeting was called promptly at 8:15 P.M. by the arrival of Smith and his bodyguard on the platform. The auditorium was very crowded, additional chairs were placed in the rear, people were standing along the sidewalls, in the anteroom behind the stage and chairs were placed on the stage in addition to those of the official party.

"Smith gave his usual stories about Walter Winchell, pleas for funds to carry out his campaign which is about to be placed on a national basis. Told about his Buffalo incident regarding the World Flag and again exhibited a flag which he claims is to be the new World Flag. Stated that this flag was originated at a meeting at the Waldorf-Astoria Hotel where 1,000 persons attended a dimmer. Introduced Mrs. Lundeen as 'that poor widow who has been viciously attached by Walter Winchell'.

"Mrs. Lundeen is a poor speaker, voice is very low and she read a prepared speech. She is now a lecturer for the America First Party. She was followed the the leader of the Mothers of America who introduced Clare Hoffman.

"Hoffman cast several digs at the New Deal, principally the increase of red tape, favoritism of labor in Washington and a plea to have individuals ask for the passage of the anti-racketeering bill now pigeon-holed by the President. He cited instances where he and others were forced to truck their apples and other produce to other cities because he would have to pay a \$25 Union charge for unloading at the Detroit terminal.

"Meeting adjourned at 11:00.

"

(DE 62-1126)

"Attended meeting of July 27, 1943 at the Maccabees Auditorium. Meeting started promptly at 8:15. The hall was barely crowded at that time. The reporter for the Daily Worker identified himself to Smith. He then proceeded to secure a table for the Daily Worker man and placed the table adjoining the speakers stage. Next to him was a woman whom later Smith stated was a writer for the Cross and Flag.

"Smith told about Kenneth Goff by giving a short history of the individual stating that he had been threatened with death by the C.P. and at one time was thrown under a train causing him to lose one leg.

"Goff told about his entrance into the party, stated that he was a Worker, however, one of the main reasons that he resigned was the anti-religious portion of the program. Speech was short, poorly spoken, phrased and lack of grammar was evident. There was nothing in his speech that was new nor could not have been read in any newspaper during the past year.

"Smith then took the speaker stand and stated that he has been cited as the cause of the race riots in Detroit by the C.P. He claims that in Chicago, a person claiming to be a minister of the Presbyterian Church stated that Smith was one of the instigators. Smith stated that he had that party investigated. It was found that his name was Claude Williams, a Director of the Home Missionary Society of the Presbyterian Church who has never had a church of his own, lived at the Fisher Lodge while in Detroit and is an avowed Communist. He stated that this party has been the member of numerous C. P. front organizations. Smith presumed to read portions of what he states is the 'government report' on that individual. He stated that he is writing to the Presbyterian Board to have Williams thrown out of the Church and denied to use that church to hide his CP activities.

"About 1600 persons attended. About 8:30 the meeting place was filled and additional chairs were placed in the aisles, etc. Purchased the book Red Decade which on sale for \$3.00 by an America First bookseller.

ENCLOSURE TO THE BUREAU: Envelope containing various releases published by SMITH.

PENDING

(DE 62-1126)

UNDEVELOPED LEADS

THE BUFFALO FIELD OFFICE

At Buffalo, New York, will advise in report form the results of the meeting addressed by SMITH on August 16, 1943 as requested in letter from the Detroit Field Office to the Buffalo Field Office.

THE CHICAGO FIELD OFFICE

At Chicago, Illinois, will report in report form the results of the meeting to be addressed by Subject SMITH at Chicago, Illinois on September 6, 1943.

THE CLEVELAND FIELD OFFICE

At Cleveland, Ohio, will advise in report form the results of the meeting addressed by SMITH on August 19, 1943 at Cleveland, Ohio, as requested in letter from the Detroit Field Office.

At Toledo, Ohio, will report in report form the results of the meeting to be addressed by SMITH on August 25, 1943 at Hotel Secor in Toledo. In connection with this lead it is being noted that SMITH had previously set a tentative date for August 20th, but this has since been changed to August 25, 1943.

THE INDIANAPOLIS FIELD OFFICE

* At Indianapolis, Indiana, will report the result of the meeting addressed by SMITH at Fort Wayne, on June 1, 1943.

THE NEW YORK FIELD OFFICE

* At New York, New York, will interview JOHN HARDING, member of the firm Cravath, De Gersdorff, Swaine and Wood, 15 Broad Street, for pertinent information in their files concerning GERALD L. K. SMITH.

* In connection with the Bureau's request, efforts should be made to locate and interview JOHN REILLEY, PAT POWERS, and ROBERT L. BICKMAN. Investigation should be conducted along the lines suggested in Bureau letter to the New York Field Office dated June 16, 1943.

(DE 62-1126)

THE NEW ORLEANS FIELD OFFICE

At Lake Charles, Louisiana, will contact FRANK POKORNEY, 925th Air Base Security Unit, and ascertain whether he has any knowledge concerning Subject and his background.

THE PITTSBURGH FIELD OFFICE

At Pittsburgh, Pennsylvania, will report the results of the meeting addressed by SMITH on August 17, 1943 as requested in letter from the Detroit Field Office.

THE DETROIT FIELD OFFICE

At Detroit, Michigan, will maintain contact with Confidential Informants [] and report any information received from them relative to instant case in report form.

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October 9, 1943

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PERSONAL ATTENTION

SAC, Detroit

RE: CHARLES PRICE
INFORMATION CONCERNING

Dear Sir:

I wanted to make available to you information which has been supplied by the Bureau's Confidential Informant [REDACTED] This informant has advised that Charles Price's sister-in-law is employed as an exchange telephone operator at the Book Cadillac Hotel. She allegedly keeps a record of all phone calls made to and from the hotel by any person or from any room that Price or the Ford Motor Car Company may have interest in. (U)

The informant further advised that Price has the same "service" at the Fort Shelby Hotel. He is also said to have bellhops in each hotel who will help him check the contents of their rooms or the contacts of people in whom he is interested. (U)

I wanted to warn you about such a practice so that you will be alert for anything of this nature and not permit it to cause any embarrassment.

Very truly yours,

John Edgar Hoover
Director

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE~~

Classified by [REDACTED]
Declassify on: OADR

2/24/83

COMMUNICATIONS SECTION
October 11, 1943

~~CONFIDENTIAL~~

ORIGINAL COPY FILED IN

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GERALD L. K. SMITH

New York, N. Y.,

May 16, 1942.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/17/83 BY 3/22/85

The Hour Reports:

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The May issue of The Cross and The Flag, the seditious magazine being published in Detroit by Gerald L. K. Smith, ex-Silver Shirter No. 3223, devotes its entire back page to a promotional article based on an endorsement received from Senator Robert R. Reynolds of North Carolina. At the top of the page are several lines of bold type reading: "United States Senator Robert R. Reynolds, Chairman of the Military Affairs Committee, said, when interviewed by the Associated Press concerning The Cross and The Flag;..." The item then proceeds to quote Senator Reynold's statement endorsing Smith's subversive sheet which, in the Senator's words, stands "for the things I have stood for for many years." The article also quotes from a personal letter received by Smith from Reynolds, congratulating the Detroit fifth columnist on the first edition of The Cross And The Flag. Smith proudly remarks, "This is merely one of the thousands of testimonials that have come in, favorable to this crusading, patriotic journal."

Emboldened by the support he is receiving from congressmen such as Senator Reynolds, Gerald L. K. Smith strikes out with increasing venom against the Administration in his current issue. In his characteristic demagogic style, he attacks the "bureaucrats and politicians" in Washington for their supposedly incompetent prosecution of the war. The temporary setbacks suffered by the U. S. armed forces in the Pacific are pictured by Smith as "bloody circumstances" brought about by "buckdoggling bureaucrats and racketeers in Washington, who not only should be fired but should be locked in jail for corruption." The Government investigation of Father Coughlin's pro-Nazi activities is represented as a "communist" plot to persecute the Royal Oak priest. Two pages of the magazine re-printing an attack by Congressman Martin Dies on Vice President Henry Wallace.

Some individuals, however, come in for hearty praise in the latest issue of

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Smith's seditious journal. They are Charles A. Lindbergh, the Naziphile flyer who so energetically strove to prevent this country from being prepared to face the Axis onslaught; Father Charles E. Coughlin, until recently Goebbels' foremost U. S. Spokesman; Father Edward Lodge Curran, eastern Fuehrer of the Christian Front; Elizabeth Dilling, notorious anti-Semitic propagandist; Dr. Gerald B. Winrod, Kansas pro-Axis agitator; Col. Robert McCormick, publisher of the Chicago Tribune; Col. J. M. Patterson, publisher of the New York Daily News; Eleanor Patterson, publisher of the Washington Times-Herald; William Randolph Hearst; Congressman Martin Dies; and Senator Robert R. Reynolds. The traitor Smith, who once boasted to his jailbird boss Pelley of forming the first Silver Shirt stormtroop band in the United States, describes the above-mentioned individuals as "fearless Americans who have exposed the subterranean operations of the Red revolutionaries without mercy."

The feature article in the current issue of The Cross and The Flag is entitled "My Hat's In the Ring". In it Smith announces he will be a candidate in Michigan this fall for election to the U. S. Senate. The sort of backing he hopes to get is obvious. "I will be supported by the old-fashioned, Christian, American people," he says. He makes an open bid for the support of Christian Front, German-American Bund elements by including this plank in his program:

"I shall defend the right of free speech and free press for Father Charles E. Coughlin. The treatment that this minister of Christ is receiving at the hands of the bloodthirsty Reds is unbelievable."

With the United States engaged in a life and death struggle against the Axis powers, the seditious, disruptive propagandizing of this 20th Century Benedict Arnold constitutes an ever-increasing danger to the American People. The Hour therefore urges that the Department of Justice immediately suppress The Cross and The Flag and conduct a thorough investigation of the treasonable activities of Gerald L. K. Smith, examining with particular care his ties with certain members of the Congress of the United States.

Walter Winchell

In New York

The Private Papers of a Cub Reporter

Our Love Letter Dep't: House of Representatives, Washington, D. C., Dec. 18, 1940: "My dear Mr. Winchell: May I take advantage of this opportunity to express my appreciation to you for your loyal support. You have not hesitated to criticize the Committee when you believed that we had made mistakes and I have accepted such constructive criticism as evidence of your interest in the work we are doing. Unlike some people, you have been equally opposed to all forms of dictatorship and un-American activities. You have supported the Committee when we exposed Communist activities the same as when we exposed Nazi activities. Your attitude has, therefore, been one of a real American who is opposed to all forms of totalitarianism. Whether the Committee is continued or not I shall always have a warm spot in my heart for you as a result of your loyal support and splendid help.—Sincerely yours, Martin Dies."

Cong. Dies of Texas, who can be trusted, to reach his full nuisance value during the years of Presidential elections, has made accusations against this reporter... He made them on the floor of the House, where his immunity relieves him of the job of proving them... Proof is of no great concern to Dies. The whole history of his Committee to Investigate Un-American Affairs is a travesty on the methods of honest trial... In fact, Congress offers no better example of the kangaroo court than the Dies Committee.

Dies comes up with a request for finances every year. They are voted to him by the most violently anti-Administration forces in Congress... So it is up to Dies to pay off for that support by embarrassing the Administration whenever he can. That's why he gets noisiest and most reckless in election years... Winchell, whose broadcasts have attacked the stand of the crew that vote Dies his appropriation, and offered support to the other side, was an ideal victim for the Dies blatherskiting. Dies can pass around his tin cup for his next appropriation with the sales talk that he fought their fight against the Winchell broadcasts.

How long will America stand for this person from Texas? Look at him! What is he?... One of the dime-a-dozen statesmen of no particular stature... He got his first appropriation by convincing the gullibles that America was threatened with overthrow by the Communists. Whom did he pin the plot on? Stalin? No. Trotsky? No, no... I'll tell you whom he dragged up as the powerful menace to the American way of life. He named Shirley Temple. Shirley, not yet ten years old at the time, was the excuse Dies offered for the hundred and some thousand dollars he wheedled out of Congress at a time when the Bundists and other genuine enemies of democracy were at their strongest.

Mr. Tolson	✓
Mr. E. A. Tamm	✓
Mr. Clegg	✓
Mr. Coffey	✓
Mr. Glavin	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Mohr	✓
Mr. Carson	✓
Mr. Hendon	✓
Mr. Mumford	✓
Mr. Jones	✓
Mr. Quinn Tamm	✓
Mr. Nease	✓
Miss Gandy	✓

W.C. Clegg

July 1941

162-31613-A
NOT RECORDED
87 APR 1 1944

DAILY MIRROR
New York, N. Y.
March 21, 1944

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25 APR 4 1944

We must be a fun-loving people, or Dies would not have been in public life all this time...His later "revelations," while lacking the rich low-comedy of the Temple expose, have been equally asinine. For the most part, Dies harasses the helpless. His special dish is a gov't employee. Acting on the assumption that an underling in gov't service has no great influence, Dies serves them up in job lots as dangerous Reds...These recurrent blasts require the Dep't of Justice to waste a lot of time in investigation. The probe usually proves that Dies was talking through his hat. Mighty few of his accusations hold water.

Now Dies is demagoging about fair play. He argues that when a broadcaster makes a charge, the person named shall have the opportunity to reply...But, look who's saying it!...Dies' charges, so often disproved, have been made repeatedly without the accused being offered a chance to defend themselves. They usually know they've been investigated when they read the Congressman's "findings" in the headlines. He has been known to hunt down his victims without even notifying the members of his own committee...It's almost as if he were afraid of his own evidence, fearful that it couldn't stand up under fair discussion. Members of his own committee have expressed themselves as sickened and disgusted by his tactics and openly charged him with operating a kangaroo court...This is the man who is chairman of a committee to investigate un-American affairs. What does he call American?

Yet, session after session, he comes up to ask Congress for money—and gets it...Why aren't we taxpayers told what he does with this money? He has never justified its expenditure...His record is almost free of operations against the agents of the Axis. On the rare occasions that he has (maybe to save his face) made a charge against Nazi stooges, it has always been long after their crimes have been reported in the newspapers and magazines...Dies has never needed those fat appropriations to find out those things. A few bucks to buy the newspapers and magazines would have covered the whole thing, and Dies could have restored the balance of the appropriation—though I have never read of him doing so... And I doubt if it cost more than \$75,000 for him to inform himself of the sinister operations of Shirley Temple.

Dies knows the value of riding the shirt-tails of the movie stars. One year, along about appropriation time, after a year of turning in no menaces of Miss Temple's stature, Dies had another sashay at the flicker folk...For surefire publicity, accusing movie stars of *ANYTHING* is like shooting ducks in a rain barrel. So Dies put the finger on Cagney and some others, and fed on the headlines. The movie tycoons, easy to scare, played his game...The whole matter blew up smack in Dies' face, but that never troubled the Texan. His specialty is making charges—confident that enough of the press is anti-Administration and will go to town for him.

It is hard to agree with many Washingtonians that Dies is dumb. They claim he is hoodwinked by his investigators, but I can't go along with that easy judgment. I allow Dies is a smart hombre. If he weren't, how could he get so far on nothing?...As a statesman he is, of course, questionable. But as a headline hustler he's as gifted as Broadway Rose. He has found his gimmick, which is to make a loud outcry to cover up the sad truth that he is accomplishing nothing worth while. It's good demagoging—but hopeless as statesmanship...Which is okay with Dies of Texas.

4

Walter Winchell

In New York

A Reporter's Report to the Nation

(And to the new Congressional Comm. to Probe Un-American Activities.)

We trust the committee which follows the Dies group won't follow in its stumbling footsteps. Martin Dies scarcely scratched the surface of the subversive menace. Dies once announced he would investigate Gerald Winrod as a pro-Nazi—and presto—it was forgotten. He never got around to probing rabble-rouser Gerald L. K. Smith and many other trouble-makers... The new committee has been given the Dies Committee's records. Among those records is a sizzling expose about rich and influential Americans who supplied the wampum for Nazi clans here. Dies failed to release that expose—but public interest demands the report be made known... If the new committee does its job without fear or favor, it will not only win renewed respect for Congress—but will also help win the war.

The soapbox and stench sheet are more effective German instruments for disrupting America's war effort than U-boats. A handful of Nazi-trained saboteurs who invaded our shores were trapped, whereas Hitlerooters continue to impede our march toward victory by injecting Nazi political germs into Uncle Samson. Nazi saboteurs aren't the only American foes endeavoring to pose as Americans. Hundreds of subversive tribes are war-dancing around democracy wahooing Yankee Doodle. Their poison seeps into every city, town and hamlet in this nation... Some time ago a Federal Grand Jury listed the vermin press members serving as a pipeline for Nazi propaganda. Ninety-nine percent of those journalistic cobras still publish their venom today!

Some of the more frascible ostriches are attempting to break out of their cages by tagging themselves nationalists. They label themselves National Americans, and Hitler calls himself a National Socialist... A Southern ex-Senator has just announced the formation of a new nationalist outfit. He is the one who returned from a visit to Germany with praise for Naziland... Most of the nationalists indulge in the flag-waving routine. However, one avowed nationalist once bluntly proclaimed his intention: "In America the revolution will no doubt be staged by American fascistic forces—patriotic American nationalists"... The man who made that statement is David Baxter, one of the indicted 30 in the mass sedition case.

Every time an American opens his mailbox, he is in danger of being attacked by propaganda rattlesnakes. The scripts of Berlin shortwavers are reprinted here and distributed by the millions. Franking abuses have been a boon to this evil... Yet when anyone exposes franking corruption, legislators either deny it or pounce on them with the cry that they're smearing Congress... If you come across such purveyors of bunk, shove this lethal fact down their gullets: Not so long ago the Post Office Department fined the pro-German Steuben Society for illegally distributing franked mail!

In the wake of every Nazi counter-attack, goose-steppers in America unleash another propaganda barrage. Today they are once again bean-bagging the nation with the negotiated peace pitch... Their diatribes are merely echoes of the puerile arguments once published in Bund rags. Those anxious to preserve Naziland always were completely unconcerned about the Nazi destruction of liberty. Those who say we can never win the war once said that Germany wouldn't lose it... No American should be deceived by their rose as peace-lovers. They only take the dove of peace in their hands in order to throw it to the international wolves... Tyrants would be unable to pull the trigger of war, if appeasers didn't make it possible for them to have guns.

Mr. Tolson ☒
Mr. E. A. Tamm ☒
Mr. Clegg ☒
Mr. Coffey ☒
Mr. Glavin ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Rosen ☒
Mr. Tracy ☒
Mr. Carson ☒
Mr. Egan ☒
Mr. Hendon ☒
Mr. Pennington ☒
Mr. Quinn Tamm ☒
Mr. Nease ☒
Miss Gandy ☒

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New York Daily Mirror
Page 6

Outfits that crawl out of holes in the wall are equally adept at crawling through loopholes in the law... Our laws dealing with corrupt politics have been unable to block various incorrigible groups from tainting the political scene merely because they claim to be harmless educational organizations... It seems incredible that they can avoid the clutches of the law with such flimsy alibis, but they do... Joe Kamp's Constitutional Educational League insists it is merely an educational outfit—although this organization was named in two Federal sedition indictments as one of the channels through which Nazi propaganda flowed.

Bigotry remains the most potent weapon in the propaganda arsenal of our enemies. Nazism is not only composed of dangerous men, but also dangerous ideas. If you allow racial hatred to sabotage your love for democracy, then liberty has suffered a crushing defeat. Never forget that the foundation of our freedom is the devotion Americans have for it. Without that, freedom is nothing. The Bill of Rights can only be as strong as the people's faith in it... A fortnight ago, Cong. Clare Hoffman spoke about the dangers of intolerance. Apparently he didn't learn anything from his own oratory. A few days later he launched a vicious attack against an American citizen, sneering about the fact that he is foreign-born... Americanism doesn't live in the heart of every American born here. One of the two Nazi saboteurs just nabbed by the FBI is a native-born American!

Newspapermen and others can point to the dangers within America. Their work is useless, however, unless their exposes inspire legislators to pass laws which give the forces of law and order power to deal with those dangers. Books and newspapers have been glutted with shocking revelations about American companies linked with cartels. They gave Germany more aid than all Nazi saboteurs put together... Uncle Sam is running these companies for the duration. But many of the executives who worked with the Germans before the war are still part of those firms. If Uncle Sam loosens his grip after the war—the Germans will once again take over... All this is no idle nightmare. It happened after the last war... Nevertheless, no laws have been passed that could effectively block the revival of cartel influence in America.

There have been many triumphs and some setbacks in the home-front struggle. Subversives are wily and tenacious creatures. Complete victory still eludes us. We can't forecast when this battle will end. Of this we're certain: It will continue to rage in America long after the last shot is fired in Europe and Asia... Our internal foes are America's political cancer—and like cancer there is no cure in sight. But much headway has been made, and we must never give up the campaign to eradicate this evil—or it will overwhelm us.



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

May 30, 1943

JPHa:AJB

Broadcast: 9:00 P.M.

Dictated: 11:45 P.M.

MEMORANDUM FOR MR. LADD

RE: WALTER WINCHELL BROADCAST
May 30, 1943

Mr. Tolson ✓
Mr. E. A. Tamm ✓
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd ✓
Mr. Nichols ✓
Mr. Rosen _____
Mr. Tracy _____
Mr. Carson _____
Mr. Coffey _____
Mr. Harbo _____
Mr. Hendon _____
Mr. Kramer _____
Mr. McGuire _____
Mr. Piper _____
Mr. Quinn Tamm _____
Tele. Room _____
Mr. Nease _____
Miss Beahm _____
Miss Gandy _____

The following comments which seem to be of interest to the Bureau were made by Mr. Winchell during his broadcast on this date:

SEDITION AND REGISTRATION MATTERS

A. Seditious Conspiracy Case, United States vs. Gerald B. Winrod, et al.

Mr. Winchell commented: "New York. Along with other newspaper men and commentators your newsboy has been under constant attack, in the highest Washington places too, for daring to expose the backgrounds of the thirty-four persons now awaiting trial on charges of sedition. Who are these thirty-four alleged Americans whose reputations we have dared to sully? Beginning Tuesday next and every day for three weeks their respective case histories will be published in New York's PM. The articles will spotlight Elizabeth Dilling, George Sylvester Vierick, Leon De Aryan and their many many partners who peddle Hitler's peculiar brand of democracy over here."

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b7c

You will recall that the thirty-four individuals referred to by Mr. Winchell are presently under indictment in the District of Columbia for alleged violations of the Sedition Statutes. This case has been pending since July 21, 1942, when the first indictment was returned. Subsequently, on January 4, 1943, a new indictment was secured and inasmuch as the court in ruling on preliminary motions has ruled that the first count of the indictment is legally insufficient, the Department has indicated that the case will again be presented to another Grand Jury for a third indictment. It is expected that this action will be taken in the near future, probably some time next month. You will remember that since Mr. Rogge took over the case, the Bureau has been conducting certain additional investigation desired by the Department. No previous indication has been received by the Bureau concerning PM's plan to run a series of articles on the background of the various defendants. However, heretofore PM has frequently and prominently displayed a considerable amount of publicity concerning this case, particularly

when Mr. Maloney was handling it.



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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/28/84 BY

B. Franz Ernst Paul Fiedler.

Mr. Winchell stated: "Pittsburgh. Franz Ernst Paul Fiedler will take the Federal judge in Pittsburgh on June first on a charge of sedition. Franz, a retired businessman before his arrest by G-men, urged German Jap coalition against what he termed the Anglo-Saxon gangster nations. He also wrote letters to drafted men, John L. Lewis, ex-President Hoover and others denouncing Americans fighting to preserve our liberty."

Mr. Winchell was obviously referring to the fact that Fiedler's trial will commence in Federal Court at Pittsburgh on June 1, 1943. Fiedler was arrested on May 3, 1943, by the Pittsburgh Office after the Department authorized prosecution under the Wartime Sedition Statute. Fiedler had written a number of anonymous and highly seditious letters to a number of individuals, including members of the Armed Forces, and the Technical Laboratory on examining the letters identified them as having emanated with Fiedler. Collateral investigation established that Fiedler, who is a naturalized citizen of German origin, has frequently given expression to pro-Nazi sentiments and has otherwise indicated great adulation for Germany. According to information received by the Pittsburgh Office last week, Fiedler's attorney has assured the United States Attorney that Fiedler on appearing in court will enter a plea of guilty. It is interesting to note that if Fiedler does enter such a plea, this is the first instance involving a plea of guilty entered by an individual charged with the crime of sedition. Since Fiedler's arrest for sedition, the Department has also authorized denaturalization proceedings and a denaturalization complaint has been filed.

C. ~~The~~ Free Roumanian Movement.

Mr. Winchell stated: "The trial of the Free Roumanian Movement in Detroit has been indefinitely postponed in order to permit the taking of depositions on July 19th from former King Carol in Mexico."

You will recall that this case was originally scheduled to come on for trial last Tuesday, the defendants, three leaders of the Free Roumanian Movement, being charged with violations of both the Foreign Agents Registration Act of 1938, as amended, and the Notification Section of the Espionage Act of 1917. The Bureau has previously been advised of the postponement of the trial and the fact that the United States Attorney and the defense attorneys contemplate taking depositions concerning the matter from ~~King~~ King Carol in Mexico.

II. TREASON CASES

A. ~~Theodore~~ Donay

Mr. Winchell commented: "Detroit, Michigan. Theodore Donay was sentenced to six and one-half years in a Federal prison last week for treason. The first conviction for this offense in American history. G-men intercepted a letter sent by Donay to his sister

"who works in the office of Herman Goering, No. 2 man in the Nazi Party. In it Donay stated, 'The Normandie lying on her side in the Hudson River is one of the most beautiful sights I have ever seen.' The FBI has taken steps to revoke his citizenship."

During a subsequent portion of his broadcast while making comments about the Max Stephan case, Mr. Winchell commented further concerning Donay as follows: "Incidentally, I said that Theodore Donay was sentenced to six and a half years in Federal prison last week for misprison of treason. The first conviction for this offense in American history."

It will be noted that in his first comment Mr. Winchell indicated that Donay had been convicted for treason. However, he subsequently corrected himself, observing that the conviction had been for the crime of misprison of treason. This, of course, is correct and you will recall that following Donay's conviction on May 12, 1943, he was sentenced on May 24, 1943, to a term of six and one-half years imprisonment. Although Mr. Winchell did not so comment, Donay was also fined \$1,000.00. Relative to the comment that Donay had written his sister making certain remarks concerning the Normandie, it should be noted that the Bureau's information in this regard is to the effect that Donay sometime ago, while talking with an informant of the Detroit Office, made the statement, "The Normandie lying on her side in the Hudson River is one of the most beautiful sights I have ever seen." It is, of course, known that Donay has a sister who works in the office of Goering and although the two have exchanged correspondence, nothing is known to the effect that Donay wrote his sister setting forth the statement in this regard attributed to him.

B. ~~Max~~ Stephan.

Mr. Winchell stated: "Max Stephan, the Detroit restaurant owner doomed to hang for treason, has seized the one recourse left him - Presidential clemency. His application is now being studied in Washington."

You will recall that several weeks ago the Supreme Court refused to review Stephan's case, leaving the only possible recourse as an appeal for Presidential clemency. The Bureau has previously received information to the effect that Stephan's attorneys have made such a plea in his behalf.

III. SABOTAGE AND PLANT PROTECTION MATTERS

A. ~~Brewster~~ Aeronautical Plant, Newark, New Jersey.

Concerning this subject Mr. Winchell commented as follows: "Newark, New Jersey. The United States Navy has closed down the Brewster Aeronautical Plant, claiming it did not hire sufficient guards to prevent possible sabotage. This Brewster plant in Newark has been criticized several times by Senate committees. The closing affects over 3,000 workers."

Although the Bureau has not received any previous information concerning this reported action on the part of the Navy Department, it is known that in recent months considerable controversy and discord both on the part of labor and management have reportedly existed at the Brewster Plant at Newark. This plant was surveyed by the Bureau during the Summer of 1941 and is not a shadow plant and, accordingly, is one in which the Bureau has general investigative jurisdiction.

IV. GERMAN MATTERS

A. Merry Farney.

Concerning this individual Mr. Winchell stated as follows:
"Buenos Aires, Argentina. Madcap Merry Farney, the American heiress who quit the United States because she cared more about gestapo agent Von Stremple than she did about Uncle Sam, is now selling her jewelry. Her butler is said to be transacting the sales for her down there. Besides having her fortune frozen by an order of an American judge, Merry recently lost a quarter of a million dollars in cash to a very, very, dear, dear, friend, friend. In other words Merry Farney, once worth three million dollars, is now selling her jewelry after selling America short."

You will recall that in recent months complete details concerning the activities and background of this individual have been furnished you. She is described as an American heiress and as having been at one time a very close friend of Von Stremple, formerly a representative of the German Government at Washington, and Manfred Zapp, one time head of the Transocean News Service in the United States. She has had a number of marital escapades and several years ago reportedly married a Swedish waiter for the purpose of surreptitiously gaining access to a Swedish passport enabling her to leave the United States. Mr. Winchell during the course of his broadcast of April 11, 1943, commented in considerable detail concerning the general activities of this person and at the time described her as being a very, very, dear, dear, friend, friend of a high Nazi official formerly of the Embassy at Washington, D. C. Mr. Winchell undoubtedly referred to Von Stremple and he probably has the same person in mind when he states that Farney recently lost a quarter of a million dollars in cash to a "very, very, dear, dear, friend, friend."

B. Statement Concerning Future Activities of the Dies Committee.

In this regard Mr. Winchell stated: "Congressman Martin Dies says he was misquoted and that he is not disbanding his Committee because Moscow denounced the American Communists. It is to be presumed then that Mr. Dies' Committee will now concentrate on exposing American Nazis as well as those Americans who played ball with the Nazis over here and bat them."

You will recall that several days ago the press attributed a statement to Mr. Dies to the effect that the activities of his Committee would probably be discontinued, in view of Russia's announcement on the dissolution of the Comintern.

V. DIVISION SIX MATTERS

A. Fugitive Investigation Concerning Subject Newton Terry Baird.

Mr. Winchell commented: "Douglas, Wyoming. Another desperado is on the loose. He is Newton Terry Baird, age twenty-six. He is also known as "Pete" and "Cowboy." He broke out of the Douglas, Wyoming, jail several days ago. The fugative was last seen raiding a Wyoming warehouse for supplies. The FBI has issued a wanted notice for him warning that he is very dangerous. Cowboy Baird, 'B A I R D,' has been convicted for cattle rustling, larceny, car theft, burglary and murder. He is charged also with stealing fourteen motor cars and he has evaded arrest from local officers five times. He will shoot to kill on the least provocation. If you have information about his whereabouts, contact the FBI in Washington, D. C."

You will remember that last week a wanted circular concerning this subject was issued by the Bureau. This individual is a very notorious criminal. He is wanted for many local charges and is being sought by the Bureau as a NMVTA subject. A very extensive fugative investigation is under way and, of course, this case will continue to receive the most careful attention.

VI. MATTERS OF GENERAL INTEREST TO THE BUREAU


Mr. Winchell during his broadcast made the following comments concerning matters which appeared to be of general interest to the Bureau: "The July American Magazine features an article on what war has done to children neglected by their parents. It is by FBI Director John Edgar Hoover. Every parent should read it."

"Chicago. Robert R. McCormick, the publisher, will soon enter the Presidential race. Mr. McCormick will try it in the Middle Western Primaries to combat Mr. Willkie. Roger Farrity (phonetic), McCormick's campaign manager, is right now concerned at Adelpia Springs, Missouri, with Middle Western Republicans. They are planning organization of McCormick for President Clubs. That is the best piece of news Mr. Willkie has heard since his book went over the million mark."

"Madrid. Tension is steadily mounting in Spain. Franco, a tremendous factor only two months ago, is on the diplomatic offensive now. Experts say that the Spanish Falange is through. The appeaser crowd in London is rooting for a monarchy. The Spanish people, however, want a republic."

It also appears to be of general interest to note that at one point during his broadcast Mr. Winchell spent at least two minutes making some general statements pertinent to Memorial Day and what it means to America. Mr. Winchell first praised the very fine work being done by the Armed Forces and then stated that all Americans, on the home front, are not cooperating with the war effort to the full extent of their ability. He commented on alleged hickering and differences existing among several groups and recommended that all Americans forget their differences and cooperate fully in giving the greatest support to the men on the fighting fronts. Mr. Winchell commented that the American flyers who had lost their lives on the Tokyo raid were not the least bit concerned about the \$25,000.00 wage ceiling or the Ruml plan. He stated that the men on Midway look askance on strikes and in closing this portion of his broadcast, he commented that Government officials should be "fearless enough to enforce the law from price ceilings to sedition." As previously indicated, Mr. Winchell's remarks during this particular phase of his broadcast appeared to be directed toward the purpose of morale building, befitting of Memorial Day.

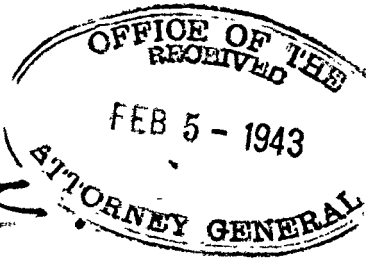
Respectfully,


J. P. Hanratty

Feb 4-1943

Hon. Francis Biddle U.S. B.

U.S. Attorney General
Washington, DC



Dear Sir:

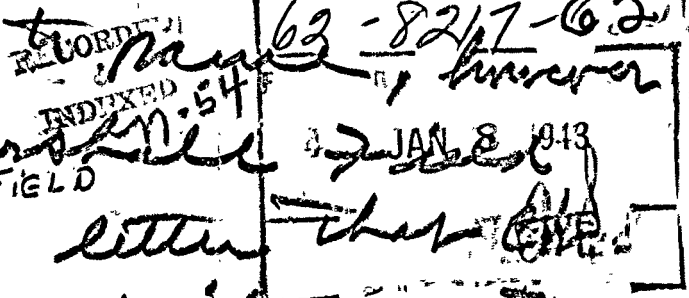
This is to advise that I in-
formed Congressman Sabath and
Voorhis that I had definite in-
formation connecting Congressman
Martin Dies with Fred. P. Vireck
^{GEORGE SYLVESTER} VIRECK now in a Federal
Prison; The connection constitutes
Malfeasance and I so charge,
on the part of Congressman
Dies and that by the same
token should operate against
release of Vireck now seeking
a hearing on release. and I
would testify to same, however

thru Mrs. Marshall Field
^{MRS. MARSHALL FIELD}

I loaned the letter that con-
stitutes my evidence to

55 MAR 3 1943 John P. Lewis Managing
JOHN P. LEWIS

Congressman Martin Dies
Dies Committee



7 PM

Editor of the newspaper P.M.

I learned it to them for the
express purpose of causing
D.C. to be removed from
the committee under
charge of Malfeasance
and to stop the life of the
committee from be extended
for two years; There are much
more back of this affair than
this small statement indicates
and incidentally involves the
question of aiding an enemy
of the country, endangering
the morale of the American
people all of which I stand
ready to explain before a
Federal grand jury and
request I be called before
that body. Very truly yours

Edwin P. Banta

215 E 17 St, N.Y. City EDWIN P. BANTA

Congress of the United States
House of Representatives
Washington, D. C.

February 16, 1942

Honorable Francis Biddle
Attorney General of the United States
Washington, D.C.

My dear Mr. Biddle:

Please pardon me for not having answered
your letter promptly but I have been out of the City
for several days.

Our report on Japanese activities will be
printed by the Government Printing Office in a short
time. It will contain photostatic copies of maps,
photographs and all documentary evidence which we have
collected over a period of more than a year. As soon
as this report is approved by the Committee, I will
send one to you by special messenger.

Sincerely yours,

Martin Dies

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Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

KRM:LL

August 24, 1939

MEMORANDUM FOR MR. E. A. TAMM

Reference is made to the memorandum of the Director to you dated August 19, 1939, concerning the wishes of the Attorney General with reference to Fritz Kuhn and William Dudley Pelley.

The purpose of this memorandum is to analyze briefly the status of the cases with reference to Kuhn and Pelley.

The Bureau has under investigation at the present time two cases involving Fritz Kuhn, which are as follows:

1. German-American Bund;
Registration - Agents of Foreign Principals.
61-7591.
2. Fritz Kuhn;
Perjury; Immigration; Naturalization.
61-7594.

The first case, involving the German-American Bund as a possible violator of the act requiring the registration of agents of foreign principals, grew out of a request originally submitted by the Honorable Congressman Martin Dies on the State Department, which, in turn, was referred to the Department of Justice and subsequently came to the hands of the FBI. In preparation for an investigation of the German-American Bund under the act requiring the registration of agents of foreign principals, the Bureau compiled a memorandum styled "German-American Bund," dated March 29, 1939. This memorandum incorporated all information of value in the Bureau's files concerning not only Fritz Kuhn but also the German-American Bund. The information so incorporated in this memorandum consisted of all of those data which could in any way be used against Fritz Kuhn or the German-American Bund. A copy of this memorandum was sent to Mr. Brien McMahon on March 30, 1939, by a memorandum of that same date. A copy of this memorandum on the Bund, dated March 29, 1939, was also transmitted to the Attorney General under a cover memorandum dated May 2, 1939. Thereafter, the memorandum of March 29, 1939, on the Bund was

Mr. Tolson	✓
Mr. E. A. Tamm	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Miss Gandy	✓

61-7594-86X

Memo. for
Mr. E. A. Tamm

- 2 -

August 24, 1939

given study and consideration by the Criminal Division, more particularly by Judge George P. Jones of that division. Judge Jones prepared a memorandum analyzing the Bureau's memorandum of March 29, 1939, which Judge Jones submitted in turn to Mr. Brien McMahon. On June 9, 1939, Mr. Welly K. Hopkins, then Acting Assistant Attorney General, submitted a memorandum to the Bureau to which was attached a copy of the undated memorandum of Judge George P. Jones. The memorandum of Judge Jones set out in general terms the type of investigation to be pursued. This investigation was immediately authorized, and the Bureau has now completed the leads which were set out by Judge George P. Jones. In addition thereto, the Bureau has submitted to the Criminal Division, by reports and memoranda, considerable additional information to that originally requested.

The second case involves Fritz Kuhn, in that he may have violated his oath when he received his American citizenship. This investigation appears to have been predicated upon information furnished originally by Reinhold Spitz to the effect that Fritz Kuhn had a criminal record in Munich, Germany, which he did not disclose at the time he received his citizenship in the United States. It appears that based upon this information the Department of Justice undertook a consideration of the question of whether Kuhn was subject to deportation for having mental reservation in taking out his citizenship papers and having committed perjury in connection therewith. In pursuance thereof, the Bureau prepared a memorandum dated May 13, 1939, styled "Fritz Julius Kuhn," This memorandum incorporated in toto all of the information in the Bureau's memorandum on the German-American Bund referred to above and dated March 29, 1939. In addition thereto, the memorandum of May 13, 1939, contained information concerning the naturalization proceedings by which Kuhn obtained his American citizenship. It also contained an analysis of the law concerning deportation, and a statement of Reinhold Spitz with reference to the alleged criminal record of Fritz Kuhn in Munich, Germany. A copy of this memorandum of

Memo. for
Mr. E. A. Tamm

- 3 -

August 24, 1939

May 13, 1939, was furnished to Judge Holtzoff on May 18, 1939. A copy of the same memorandum was likewise furnished to the Attorney General on May 18, 1939. Judge Holtzoff expressed the opinion that there was not sufficient information in the said memorandum to justify any proceeding against Kuhn on the basis of denaturalization.

The Bureau has since made efforts through Mr. Fletcher Warren of the State Department to obtain reliable information in Munich, Germany, concerning the alleged criminal record of Fritz Kuhn. To date, no information of value has been obtained. Several persons in the United States have furnished information to the effect that they have informants who are advised of the criminal record of Kuhn in Germany. Each of these leads has been carried out thoroughly without developing any information of value. There remain only two leads in an effort to establish the possible criminal record of Fritz Kuhn. One concerns continued efforts of Professor Karl Lowenstein of Amherst College to correspond with persons in Germany in order to establish the desired information. The other possible lead is a continued contact with Jacob Sachs, of Detroit, Michigan, who has an unidentified informant. This informant is said to have friends in New York, which friends, in turn, have relatives or friends in Germany. These relatives or friends in Germany allegedly can furnish information concerning the criminal record of Kuhn but do not feel free to do so because of possible reprisals. Sachs has mentioned that if visas are made available to these person, they will furnish the desired information. It has been pointed out to Sachs that no action can be taken until the Bureau learns the identity of the so-called informants in New York who are the relatives or friends of persons now residing in Germany. It has been clarified to him that it will be necessary to interview these alleged informants in New York for full information before any action can be taken concerning the issuance of visas and that this will be submitted to the Attorney General for his sole consideration as to whether visas should be issued.

Memo. for
Mr. E. A. Tamm

- 4 -

August 24, 1939

The Bureau also received information that in 1936 Fritz Kuhn took an automobile belonging to the German-American Bund on a Western trip, at which time the car was wrecked and was traded in on a new automobile. An investigation was conducted to determine whether Kuhn had violated the National Motor Vehicle Theft Act. This matter has been completely investigated and it has been shown that the automobile which was used by Kuhn was his personal property, was damaged in an accident at Wahoo, Nebraska, in the latter part of November, 1936, and was traded in for a new Ford automobile at Wahoo.

It is pointed out that all information which has been obtained concerning Fritz Kuhn or the German-American Bund since the submission to the Attorney General of the Bureau memoranda dated March 29, 1939, and May 13, 1939, has been submitted currently to the Criminal Division.

Reference is now made to the matter involving William Dudley Pelley. The Bureau conducted a nation-wide investigation of the Silver Shirt Legion of America, Incorporated. This investigation was predicated upon a request of former Assistant Attorney General Brien McMahon. This investigation was completed and summarized, and a copy of the memorandum dated April 29, 1939, was transmitted to the Attorney General by a memorandum of May 2, 1939. The investigation, however, developed that William Dudley Pelley had transmitted through the United States mails issues of his weekly publication called "Liberation," the copies of March 27 and April 8, 1939, of which contained allegedly libelous information alleging the possibility of the President having converted to his own use funds raised by the birthday balls throughout the United States.

The Bureau was thereafter furnished with copies of a memorandum dated June 1, 1939, prepared by Mr. Welly K. Hopkins, Acting Assistant Attorney General, for the Acting Assistant to the Attorney General. This memorandum, in brief, requested the FBI to commence an investigation concerning

Memo. for
Mr. E. A. Tamm

- 5 -

August 24, 1939

the alleged libelous material disseminated by William Dudley Pelley and contained in the publications of "Liberation" dated March 27 and April 8, 1939. The Bureau was asked to determine whether this libelous material was sent through the United States mails into the District of Columbia or into a Government reservation within the exclusive jurisdiction of the United States Government. This investigation has now been conducted. The Bureau has ascertained the identity of several persons who were on the mailing list of Pelley Publishers. Those who were believed to be subject to a discreet interrogation were so interrogated, but it is pointed out that none of the persons so interviewed recalls having received through the United States mails the libelous material contained in either of the publications of "Liberation" referred to above.

The Bureau has furnished to the Criminal Division, by memorandum, report, and letter, the identity of all persons known to have been on the mailing list of Pelley Publishers. Among those receiving Pelley publications are all members of Congress, the National Press Bureau, the House Press Gallery, and the Senate Press Gallery, it being noted that twelve copies of each weekly publication of "Liberation" are forwarded through the United States mails to the last three named organizations. As a matter of policy, the Bureau refrained from interviewing members of Congress or the Press Bureau or the Press Galleries mentioned. The identity of these organizations, however, was made known to the Criminal Division, and the Bureau by memorandum specifically pointed out that these persons would not be interviewed in the absence of specific instructions to that effect.

The Bureau, having interviewed all persons who could legitimately be interviewed consistent with policy, advised the Criminal Division by memorandum dated August 2, 1939, that "The Bureau will refrain henceforth from authorizing the field offices to conduct any further investigation concerning the circulation of the libelous

Memo. for
Mr. E. A. Tamm

- 6 -

August 24, 1939

material until it has received advice from you as to the identity of additional persons whom you deem desirable to have interviewed. The names of these persons have already been submitted to you."

It is pointed out further that as a result of an interview with William Dudley Pelley, Bureau Agents of the Charlotte office were able to establish that William Dudley Pelley actually wrote, caused to be printed and published, and caused to be circulated through the United States mails into the District of Columbia, the libelous material in question.

This investigation, therefore, is being held in abeyance pending further advice from the Criminal Division.

It is pointed out that all material obtained subsequent to the submission to the Attorney General of a copy of the Bureau's memorandum dated April 29, 1939, summarizing the nation-wide investigation of the Silver Shirt Legion of America, Incorporated, has been submitted to the Criminal Division.

In keeping with your request, I am transmitting herewith a copy of the Bureau's memorandum dated April 29, 1939, styled "Silver Shirt Legion of America, Incorporated," which summarizes all of the pertinent information disclosed by the Bureau's nation-wide investigation of that organization.

I am also attaching hereto one copy of the memorandum dated May 13, 1939, styled "Fritz Julius Kuhn." This memorandum bears upon the denaturalization proceedings against Kuhn and contains all of the information which is found in the Bureau's memorandum of March 29, 1939, summarizing information in the files concerning Fritz Kuhn

Memo. for
Mr. E. A. Tamm

- 7 -

August 24, 1939

and the German-American Bund as a possible violator of the act requiring the registration of agents of foreign principals. As I have pointed out above, both of these memoranda have been furnished to the Attorney General.

Respectfully,



K. R. McIntire

Inclosure

NAZI ACTIVITIES IN THE U.S. (Part 107)

Deutscher Weckruf & Beobachter and Free American,
 Vol. 5 No. 6 New York August 3rd, 1939:

The lead article on page 1 is in English "DEWEY AFTER GERMAN BUSINESS MEN.- Seeking to break down defensive organization against the boycott.- Business men deluged with subpoenas in the case against the Bund."

The article alleged that Dewey is using "intimidation" and alternately pretended friendly persuasion" to "extort" from the German-American business people who had dealings with the Bund or its subsidiaries potential evidence in the KUHN case.

The article states that the BUND has consulted counsel and advises readers not to answer any questions except before a Grand Jury, not to sign waivers of immunity and to be sure to consult counsel before they appear before anyone for questioning. The article (concluded page 2, col. 1 and 2, bottom) closes by upbraiding Dewey for letting the general crime situation getting out of hand "meanwhile Dewey's agents presumably were employed in serving subpoenas on persons having business dealings with the Bund, whose names they obtained from the Bunds D.H.V. list of business houses."

RECORDED & INDEXED

Page 1, col 1 and 2, bottom and page 2, col. 1 and 2; bottom, has an article in English "CHAIRMAN MARTIN DIES IN THE SPOTLIGHT.- CHRISTIAN FREE PRESS says he was gined by Hollywood motion picture magnates and charges him with seeking to 'smear' patriots and evade fair investigation." This is a re-print from the CHRISTIAN FREE PRESS.

Page 1, col. 3 and 4 and page 2, col. 3 and 4, center has an article in English "JEWS GETTING READY FOR 'THE DAY'.- Nai Juda signing up able-bodied young men willing to join a Jewish army." The article states: "Under the caption 'Recruiting', a circular reaches us from the headquarters of Nai Juda on West Eighteenth Street, New York City which in part reads as follows:

'The NAI JUDA Movement is now signing up able-bodied young men and women willing to join A JEWISH ARMY of Soldier-settlers in a new independent State within the American hemisphere.'

COPIES DESTROYED

78 MAY 11 1961

KAM

" The circular carries the photographic reproduction of a picture showing two ' Nai Juda soldier-settlers' in full uniform with knapsack, side-arms, shouldering guns. The military and militant character of the Nai Juda movement is camouflaged under the pretext that these Jewish soldiers are organizing for ' service, including opening up of a large unoccupied territory to settlement and civilization, police and border patrol duty, farming, construction, roadbuilding' etc."

The article then refers to a story about a Jewish army drilling in "New York published" about a year ago in the N.Y. Daily "News".

I remember that at that time, when a report was submitted, the "Eckruff" stated that the expose had appeared in the N.Y. Evening Journal.

The article also states " The national leader of the Nai Juda is its organizer JOSEPH OTTMAR HEFTER" who is the " author of the pamphlet ' Room for the Jews'. HEFTER is Austrian by birth, studied art, speaks twenty languages, served in the Austrian army, was taken prisoner by the Russians, but escaped and participated in the Russian revolution; served with BELA KUN'S Hungarian terrorist red army and in the Czecho-Slovakian army and later with the French Foreign Legion in the Algerian campaign. In the United States he was with Fox Films and Paramount News, and in 1936 laid the foundation of Nai Juda, which with a handful of ' inspired followers', he developed to its present size and SIGNIFICANCE. Politically he is dead set against any rule of entrenched political bureaucracy."

The article states that "these biographical details are furnished along with instructions for joining the Jewish army. GRETA GAYLORD signs herself as head of the Press Service Division." It also quotes the circular as stating that Hefter " firmly maintains that an immediate ruthless offensive is the only way to break the assault of mechanized barbarism before it paralyzes liberty and civilization." The article also alleges that the enlistment blank which has to be signed by applicants states that one enlists " in the Nai Juda army as a soldier-settler for the required training and service period, and agrees to conform with all regulations."

Page 1, center has two small propaganda articles in English one a re-print of an article by BENJAMIN DE CASSEFERES in the N.Y. Journal American " Exiled Writers" and the other " Helium Gas for Poland."

Page 1, col. 3 and 4, bottom and col 4 has an article in English "The crime of wearing uniforms" by P. FIORETTI which is a re-print from the English-language section of the New York Italian militant Fascist paper IL GRIDO DELLA STIRPE.

Page 1, col. 5 , bottom has the following in English in heavy type:

DON'T FORGET YOUR A B C:

AMERICANS

BUY

CHRISTIAN!

Page 1, last column has an article in English in a heavy box : " The Bund and "ational Socialism". It refers to a letter allegedly received from a subscriber in Chicago who inq 'res about the BUND's attitude on religion and politics.

The article states: " If the BUND's attitude requires clarification at this late day, it is this: It regards "ational Socialism as the best government for Germany, with many basic racial and social tenets applicable to all white gentile nations; but with the evidence of nearly 150 years of growth and prosperity, liberal laws and general contentment within the United States until our participation in the World War and the supervision of a Jewish oligarchy in our government, the Bund with faith in the fundamental principles of the government of George Washington and Abraham Lincoln, because of the geographical, social, economic, and racial make-up of the United States, opposes the introduction of the German political form of "ational Socialism into the United States."

Page 1, col. 6 and 7, center and page 7, col. 3x has an article in English " BRITAIN MUST GO " " Translated from an editorial in the German Language "ection of the Weck-ruf of July 20th".

At the time when the original appeared in German I regarded it as so inflammatory that in the report Part 105, page 7 and 8 of July 20, 1939 I translated significant passages. The present English version is substantially the same, and except for an occasional apparently deliberate toning down is more polished than my translation which for the sake of absolute accuracy was kept entirely literal at the sacrifice of good style.

The smoothness of the current English version of the article gives rise to the conclusion that it must have

9/1/39
Memo. to
Rogge in
File 61-2591
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been made by SEHRADER because to my knowledge he is the only person in BUND circles possessing that high degree of linguistic ability. On the other hand the translation may have been made by one of the Nazi sympathizer teachers ~~fixxxxx~~ of German at one of the New York colleges like KOISCHWITZ, COCHRAN, etc.

Page 1, last column, bottom has an English article in a box " France violates Roosevelt's 'Guarantee' " which quotes a protest of the (pro-Coughlin?) New York Justice HERBERT A. MO'BRIEN against Roosevelt's silence at France's cession of Syria to Turkey.

Page 2, col. 1 and 2 has a large ad in heavy type and a special border frame entitled " THE FIGHTING FUND OF THE BUND..NEEDS EVERY PATRIOT'S HELP. It urgently requests contributions and concludes:

" JOIN THE BUND or another of the hundreds of AMERICAN organizations growing throughout the country with the object of uniting into that great movement which will give the United States of America back to its people! "

Page 2, column 3 and 4, bottom has an article in English reprinted from the N.Y. Sun of July 25th " FLEE CANADA K. FOR FATHERLAND.- German farmers who could'nt stand hatred of neighbors sail on Bremen".

Page 2, bottom has the following in English in very heavy type: "GERMAN FOLK DAY August 27th, Camp Siegfried."

Page 2 columns 5 6 and 7 has a large quarter-page spread of three photographs under the caption " The German Labor Front ' Strength through Joy" showing " 1) Vacation steamer ' Robert Ley' .- 2) Concert and theater hall on the 'Robert Ley'. - 3) Cabin for four on the ' Robert Ley'." Contrary to the custom of the Weckruf showing by a credit line at the bottom of each reproduced photograph which service furnished it there is no such line on any of these three pictures. The reason may be that they come from the press office of the German Labor Front and because the latter is a German government and Nazi Party office the Weckruf editors wanted to avoid evidence of any official tie-up.

Page 2, col 5 to 7, bottom and page 7, col. 2 and 3 bottom has an unsigned English article " An American woman studied Germany.- Mrs. WADE HAMPTON IS NOT STRONGLY INFLUENCED BY HOSTILE PROPAGANDA." The article refers to a Washington dispatch in the N.Y. Sun stating that MRS. WADE HAMPTON had studied from 1934 to 1937 specializing in foreign affairs planning the work for the international outlook section

of the Twentieth Century Club and went to Germany to live there for the sake of experience. She arrived in Berlin September 17, 1938 and apparently traveled extensively in Germany. She is represented as having returned with a somewhat favorable impression of Germany.

Page 2, last column bottom has the following in a box:

" R E A D

DEMOCRACY AND WORLD DOMINION
by
EDWIN SCHOONMAKER

Publisher:
RICHARD R. SMITH

120 East 39th St. New York City "

This seems ~~xxxxxxxxxxxxxxxx~~ extremely interesting in view of SMITH's personality. He is extremely well known in the New York publishing world and has been quite an important figure despite his notorious financial manipulations and innumerable rumors about his crookedness. He used to be associated with Duttons, then went into publishing with a man named HARRISON from Philadelphia. Late he had a tte-up with Harcourt Brace. He was also associated in a publishing venture with the late RAY LONG former famous magazine editor who shot himself in Hawaii or the Philippines. For years I have had the impression that SMITH is a racketeer who not only engages in shady deals and publishes subsidized literature openly and clandestinely but who also probably uses his " front" as a publisher for other irregular activities. I have never been able to get anything concrete. RICHARD SMITH should not be confused with THOMAS SMITH who is also somewhat notorious in New York literary circles and has had a similarly checkered career as a publisher.

The above notice in the Weckruf (there is nothing to establish the fact that it is a paid ad) gives rise to the assumption that RICHARD SMITH may be tied up with Nazi propaganda.

The entire page 3 and page 5, col. 4 to 7 is filled with an extremely long article in German " ANSWER TO ENGLAND" " BY REICH MINISTER DR. GOEBBELS." It is preceded by the note of the editors of the Weckruf, in German:
" The deadly sharp article of the Reich Minister Goebbels with which he answered the propaganda letters sent to

German addresses by the British propagandist Stephen King-Hall follows here in its complete text. In the previous issue of this paper we already brought excerpts in English but the value of the article for contemporary history is so great that we see ourselves obligated to submit to our readers the full verbatim text."

Page 3 has the German weekly short-wave radio program with the slogan in German; "Tune in Berlin".

Page 4, col. 1 has a German editorial "Mars resplendent in the glitter of American armaments.- Business is very good as far as the exports of arms, ammunitions and other war materials are concerned."

Page 4, col. 1, bottom and column 2 has a long German editorial "Half-way measures don't help America-Germans.- Power and influence can only be obtained by determined battles not by talking with flowers." This heading refers to the proposed sale of blue corn-flowers by the GERMAN AMERICAN CONFERENCE with the slogan attached "Only one ism- Americanism". This scheme is intended to raise funds for fighting "anti-German discrimination" here. The article while somewhat sceptical of the proposed campaign of the GERMAN AMERICAN CONFERENCE (see prev. reports) concludes:

"The BUND is prepared at all times to fight side by side with any German racial comrades who ~~are~~ are concerned with the power and honor of America-Germandom and who do not want to have anything to do with the old German weakness and disunity. German associations, German organizations think it over whether you will get further with your divisions than with the entire army of America-Germandom."

Page 4, column 2 and 3, bottom and column 4 has an article in German which is very important.

There is nothing to show where it came from and it merely bears the signature FRITZ HEINZ REIMESCH. Its text indicates that it is probably a re-print from a German - most likely, official- publication. The title is "The German Folkdom (Volkstum)". It is preceded by the editorial notation in German, in very large type:

"In Germany there was celebrated recently the "Day of the German Folkdom (Volkstum)" by which the German people expressed their cultural unity with the 20 million racial comrades (Volksgenossen) beyond the borders across land and seas."

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The article starts:

" The ' Day of the German Folkdom (Volkstum)' is dedicated to the racial comrades (Volksgenossen) who as racial Germans (Volksdeutsche) by deed and confession feel themselves to be members of the German nation but who are not citizens of the Third Reich but members of another state (Staatswesen: literal: state entity). That on such a day we want to render ourselves an accounting as to what these brothers who live dispersed over the entire earth have accomplished may be self-understanding but it is nevertheless necessary because on the whole we still know much too little about the great achievement of culture of our people for the benefit of all humanity. Other nations too are in a similar situation as we are, namely that not all their members are included in one state entity!"

The article also states:

" Inasmuch as the German people, seen from the viewpoint of numbers, has most of its members, in the relation to other nations, living outside the borders of its Reich it must also make the greatest efforts to maintain these connections at all times."

(This sentence may seem quite muddled but it is an absolutely accurate translation from the German text.)

The article then goes into great length praising German achievements in foreign lands without being specific. Then follow several paragraphs of sharp attacks on the Jews for their alleged corruption of international trade morals.

The article concludes: " Today the Jew- Free Mason League agitates against us Germans in the most brazenly unrestrained manner and first of all our racial comrades who live in alien lands have to serve as whipping boys. Racial Germans are stoned, their farms are burned down, their windows are broken, they are being murdered because the Jew in his bestial hatred of the Third Reich needs victims. That the racial Germans know how to be martyrs and to suffer they have proven for centuries in countless cases again and again. As pioneers they stand at their outposts with heads raised high and are holding out because today they know that their sacrifices are not in vain and will not die away unheard. Those out there across land and seas have the great German community of fate which only demanded & knows profession to the same blood and to the same language

for a long time recognized

and they are experiencing with joy that now too the Mother Country has begun to realize what ~~the~~ ~~xxx~~ is at stake.

Page 4, col. 4 bottom has a German article stating that the ~~X~~STENECK TRAVEL BUREAU in conjunction with the (BUND controlled) HAMBURGER G.V. ~~X~~HUMMEL, the ~~X~~SACHSEN VEREIN NEW YORK and other German organizations is organizing a bus excursion on August 6th from the office at 127 East 86th Street to Koengi's Hofbraeuhaus, Hillsdale, N.J. The price is only \$ 1.- (See prev. reports concerning the political aspects of the frequent entertainments provided by this firm.)

Page 4, last two columns, top and page 5, last column has a German article under the title "Price Contest". It states that "the ~~X~~INSTITUTE FOR ARYAN STUDY in Chicago needs for the deepening and strengthening of its enlightenment activity..... several conscientiously collated works of research" (all of a anti-Jewish agitational nature. Ten anti-Jewish subjects are enumerated and prices of One Hundred Dollars are offered for each of the ten subjects. " A jury consisting of five persons will award the prices and it is composed of one special expert on the World Jewry problem from each of the following countries: Germany, Great Britain, France, Poland, Roumania. Their decision is final and can not be contested." The final date for submission is given as April 1, 1940. " All letters must be sent exclusively to the following address:

Ant. Leger c/o B M.- I F.A.S.- 188 High
Holborn, London, W.C. 1-England.

" without mentioning any other name.

" All further information concerning the subjects to be treated, style or tenor of each of the ten subjects can also be obtained from the above address.

" For the Directors of the Price Contest of the INSTITUTE FOR ARYAN STUDY

Chicago

The Secretary for Europe:

BARON DE BATZ(m.p.)"

The publication in the Weckruf of the above is extremely strange in view of the following:

Almost five months ago I reported in Part 87 of these reports of March 17, 1939, page 12 and 13 in my digest of the Weckruf, Volume 4, No. 38 of March 16, 1939;

" Page 6, column 5, bottom has an article in English which is a re-print from WORLD SERVICE, the anti-semitic propaganda service in Erfurt Germany, which is entitled ' CHICAGO ' INSTITUTE FOR ARYAN STUDY' A FAKE?'. It states: ' We have received from a number of sources a prospectus offering prices for anti-Jewish literature for an 'Institute for Aryan Study' in Chicago. The prospectus is signed by a certain BARON DE BATZ.' The article states that they have found that the 'Institute' does not exist and that the Baron can not be found anywhere and that the five man jury of which the prospect makes mention is unknown. It is also stated that the first prospectuses bore a Salzburg, Austria, postmark before Austria became German. ' Since that time everything has to be sent to ' Ant. Leger, c/o B.M. I.F.A.S. 188 High Holborn, London W C 1.-' ' B.M. means BRITISH MONOMARKS a private company which receives and forwards letters for people who have no permanent address or who do not wish to make their address known.' The article then expresses the opinion that the whole thing is a Jewish engineered agent provocateur stunt."

Page 4, col. 5 has the following ad in German among the classified ads: " Room wanted by German man until August 9th in Newark with private party-Christians. Letters requested: R. THIELEN, 75 Baldwin Avenue, Newark, N.J." This ad seems somewhat strange in view of the fact that the paper came out on August 3rd; that would be only for 6 days--(and the "Hansa" of the German Lines sails on August 10th!)

Page 5, center, has a German appeal, couched in the most urgent language for contributions to the BUND's fighting fund. It is styled along the usual " Persecution" lines and states in part: " Those who want to battle for their right in American courts must raise the ~~funds~~ necessary funds, because the much praised " Justice" can not be obtained here gratis." Also:

" A contribution to the Fighting Fund is in the interest of every German and it is his God-damn duty and obligation if he does not want to put himself beyond the pale of racial unity and if he does not want to deny his German mother."

One third of page 6 is occupied by a huge ad in German: " GREATER GERMANY a good customer of U.S.A.- U.S.A. a bad customer of Greater Germany...."

IT IS EXACTLY THE SAME AD WHICH OCCUPIED AN ENTIRE PAGE IN THE PUBLICATION "WELTWACHT DER DEUTSCHEN" on which a detailed report and translation were submitted recently.

Page 6, last 2 columns, top has a German report " Genuine German Folk Day at Camp Bordland. Like all recent reports on Bund activities in the Weckruf the article is extremely cagey about speakers and statements. It states that at this celebration on July 30th the O.D., Boys Division, Girls Division and large group of Turners participated and thatx Bund unit participated in uniform. It also states that the stage carried the inscription in German " In unity lies power" and that "FRITZ KUHN the Bund Fuehrer who is persecuted by all the enemies of Germanom" was received with thunderous applause. The UNION HILL TURNERS paraded with the O.D. "and their leader(no name given) spoke resolute words." The article concludes with the usual attacks on the Jews and the authorities of the State of New Jersey who are " persecuting the Bund."

Page 6, last two columns, center has a German report, signed Th. L. from Local South Brooklyn, stating that a membership meeting was held on Thursday July 20th at which the leader(no name given.- VAN DEN BERGH) reported on the national convention. There is the usual declaration of loyalty to KUHN, an appeal for funds, an appeal to send the children to the BUND camps--but no factual information. " This years' national convention has proven that we shall not waver nor give in one inch, that we stand firm like a hard rock and that we will not cease to pursue the goal which we have set ourselves."

Page 6, last column has the following in German:
" Local Hudson County.- Membership meeting- Friday August 4th at the home 754 Palisade Avenue. Every single member is expected." The brevity of this report is typical of the recent Weckruf policy.

Page 6, last column bottom has an announcement in German from Local New York:

" Thursday August 3rd: Participation of Local New York in the AMERICAN RALLY at Ebling's Casino, 156th Street and St. Ann's Avenue, Bronx. Begin: 8.30 PM. Chief Speaker: BUND Leader FRITZ KUHN.- WILHELM KUNZE.- Advance notice:

"Monday September 11th. Extraordinary membership meeting of Local New York; further details in future issues of our fighting newspaper. All communications to Local New York are to be addressed as follows: GERMAN AMERICAN BUND, P.O. Box 75, Station K New York, N.Y." This is followed by the previously published schedule of Bund office hours.

Page 7 has the weekly anonymous column in English by SCHRADER "Behind the Curtsin".

Page 7, column 3 has an article in English "The Danzig Solution". It is from "DIPLOMATISCHE POLITISCHE KORRESPONDENZ, Official Organ". It is the official organ of the German Foreign Office and the "Weckruf" itself states so.

Page 7 bottom has the following in large type:

" BUY GENTILE
EMPLOY GENTILE! "

Page 8, col. 1 and 2 has the weekly feature in English "Voice of the People". The first letter from a reader is signed EUGENE J. SMITH and is entitled "Resents Brooklyn Tablet." The second, under the title "Another irate ~~reader~~ Tablet reader" is signed "A CATHOLIC READER". Both attack a recent anti-Nazi article in the Brooklyn Catholic paper The Tablet which the Nazis rather liked in the past because of its outspoken anti-Communist stand.

The next letter signed "J." and entitled "White slave ring in Panama" protests against the mentioning of Germans as being involved.

Page 8, col. 2 has several small propaganda items in English.

The center of page 8 is occupied by a German article "The economic reorganization of Europe" by ~~REICHAMTS~~ REICHAMTSLEITER WERNER DAITZ. It is the second installment of an article which appeared in the Weckruf of June 29th. At that time in Part 102 of these reports, page 5 and 6 it was pointed out that DAITZ' title indicates that he is one of the highest Nazi Party functionaries.

Page 8, col. 3 and 4, bottom and col. 5 has a German article "Has Turkey any secret ideas. The article is unsigned.

Page 8, col. 5, bottom has a German report signed "B.K. Press Functionary" from Local Brooklyn. It states that the Local's Womens Division held a comradeship evening on Saturday July 22nd at the Brooklyn Local's Community House at Camp Siegfried. The O.D. band played.- On July 30th the Military band concert was well attended. " The Voluntary Labor Service had completed part of the house building activities." National Director of Organization GUSTAV ELMER made a speech.- A membership meeting is scheduled at Ridgewood Hall on August 2nd. "The National Leader has accepted an invitation to come."

Page 8, col. 6 and 7 bottom has a German article in which the SCHREIBER TRAVEL BUERO advertises especially cheap trips to Germany from August 7th to October 15th and cheap trips from Germany to America from September 25th to October 20th. It states that the round trip fare on a Hamburg-American Line steamer is only \$ 157.- and that customers can save up to \$ 56.50 on such trips. The firm also urges the sending of food packages to relatives in Germany.

Wm Willis
Wm Willis
Wm Willis

Bring Dies Hearing Into Open

Reverse House Committee Vote

AN EDITORIAL

10832

Under the whiplash of Ham Fish, the House Rules Committee yesterday pulled a "Pearl Harbor" on the United States Congress and on the American people.

In semi-secrecy and without any previous announcement or warning, the Rules Committee suddenly held a "hearing" and gave its approval to another two years of Martin Dies.

Only half of the committee's members were present, and only one witness was called. It was all over in a flash.

The cause for this obscene haste and trickery is not far to seek. Martin Dies is AFRAID to face a public hearing! His speech in Congress this week revealed him too clearly as an enemy of America's war effort and a defender of American anti-Semites and native fascists. The would-be "investigator" of America is afraid of the democratic questioning of the nation.

The hearings of the House Rules Committee on Martin Dies must be reopened!

There are dozens of citizens' organizations which demand the right to be heard. They have evidence to present. Wire to Rep. Sabath, chairman of the Rules Committee, himself a foe of Dies' pro-fascist reaction, urging another—a genuine—hearing. Wire to Speaker Rayburn and Majority Leader McCormack insisting on the reopening of the hearing.

At the same time, let every single Congressman in Washington hear at once the demand that no American government funds shall go to the perpetuation of the war-wrecking, anti-Semitic Martin Dies. Get a pledge from your Congressman that he will vote against Dies.

It is high time to end the Storm Trooper bullying of America's Congress by this man who fears democratic procedure.

Filer

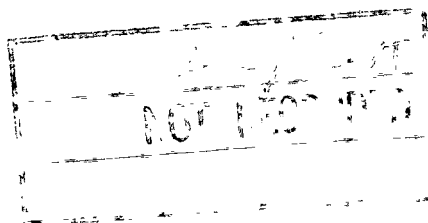
This is a clipping from
page 1 of the
Daily Worker for

2-4-43

Clipped at the Seat of
Government.

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10/1/43

Dies Smears All America

AN EDITORIAL

IT HAS happened within 24 hours! As recently as Monday the Daily Worker published the devastating indictment by the National Lawyers Guild against the Dies Inquisition. Before another day had passed, the charges of the Guild had been confirmed by the headman of the Inquisition himself.

On the floor of the House of Representatives, Tuesday, Martin Dies dared to declare that the bitter battle of America for survival against the Axis powers is not so "important" as the Hitlerite witch-hunting which he is carrying on. Thus did he disclose the shamefully subversive viewpoint which dominates the work of his committee—a viewpoint which arms and aids Hitler by spreading discord and suspicion among the American people.

On the floor of the House, Martin Dies also said that anti-Semitism is not such a bad thing after all, that fascism is not inevitably linked up with anti-Semitism.

The truth is that anti-Semitism is one of the certain marks of the fascist. The truth is that anti-Semitism is one of the chief devices employed by Hitler for creating division and defeat among the masses. The truth is that the blatant anti-Semites in America are precisely those who were linked up with Hitlerism and Hitlerite activity for the downfall of the nation.

But Martin Dies is not on speaking terms with the truth. He and his committee spurn the truth. For they and he are the spokesmen for those who conceal and defend the fascists, as he did so shamelessly before the House of Representatives on Tuesday.

Dies has always shouted "reds" in approved Nazi style as the excuse for the disruptive work of his committee. Now he classifies all New Dealers as "reds" under the new-fledged title of "bureaucracy." But to make the confusion worse confounded—the inevitable tactic of the fascist—Dies mixes up his New Deal "bureaucrat" with fascism and Nazism as well, so that no one will easily discover the real germ-carriers of subversion.

File
W. MacCartee
G. W. Willis

108806

With pain and shame, the nation noted on Tuesday that a number of Congressmen who know better actually applauded such seditious sentiments as those uttered by Dies.

But a majority of the Congressmen can be brought back to a course of courage and patriotism. The pressure of the people, if properly exercised, can make them see the light on this Dies Inquisition.

Tuesday's performance by the head-inquisitor only makes it more obligatory that the people write their Congressmen, telling them to vote against the Cox resolution which would give new life to the Dies Committee.

Help the unity of America!

Urge your organization, whether trade union or fraternal, to ask to be heard by the House Rules Committee against the Cox resolution.

Do not allow another two years of such subversion to be purchased by your default!

This is a clipping from
page 1 of the
Daily Worker for

2-3-43
Clipped at the Seat of
Government.

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MEMORANDUM FOR MR. LAWRENCE M. C. SMITH
CHIEF, SPECIAL WAR POLICIES UNIT

(F. (Cons.))
A review of the Congressional Record dated August 3, 1942, indicates that Honorable Noah M. Mason of Illinois read into the record a letter from Congressman Martin Dies to the Honorable Sam Rayburn, Speaker of the House of Representatives, wherein Mr. Dies indicated "That the Daily Worker is a registered agent of a foreign principal."

I will appreciate advice as to whether or not a registration statement has been filed by the Daily Worker under the Foreign Agents Registration Act of 1938, or the recent amendment to this Act.

Very truly yours,

John Edgar Hoover
Director

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COMM. STAMP
ON ORIGINAL

61-4478-192
FEDERAL BUREAU OF INVESTIGATION
SEP 16 1942 A. M.
U. S. DEPARTMENT OF JUSTICE
FILE

ORIGINAL FILED IN 61-4478-192

AMERICAN CIVIL LIBERTIES UNION
METROPOLIS BUILDING, 31 UNION SQUARE WEST
NEW YORK CITY

May 1, 1940

Hon. Robert H. Jackson
Department of Justice
Washington, D. C.

Dear Mr. Attorney General:

The American Civil Liberties Union desires to associate itself with the appeal made to you by the International Workers Order for federal investigation of what we believe are violations of the rights of citizens involved in recent raids made at the instance of agents of the special House committee on un-American activities.

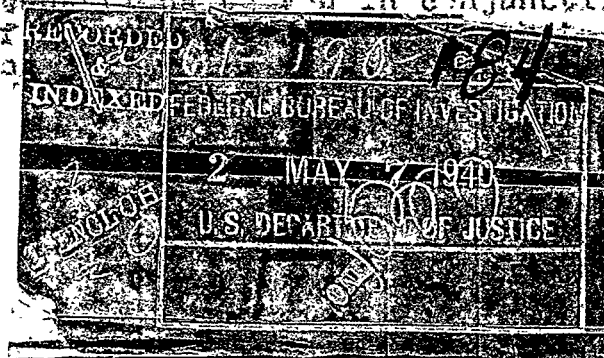
While the I.W.O. is involved only in one case, a raid on its Philadelphia office conducted by local agents at the instigation of representatives of the House committee, who are concerned with the prevention of similar activities in future. The record of the House committee raises grave questions as to its ability to keep within the law under which congressional committees have power only to issue subpoenas for the appearance of witnesses and the production of records. It seems to us an evasion of law that agents of the congressional committee should, by inducing raids and searches by local agents, accomplish what cannot be accomplished through their own powers.

This seems to us a violation of the rights of citizens by local officials protected under the civil rights statute and therefore coming within the federal jurisdiction.

May we urge upon you that a former inquiry be made into these activities and that if the facts warrant the United States attorneys throughout the country be advised as to what action may be taken to protect citizens from unwarranted searches and seizures.

In the Philadelphia case, the matter is now before the United States District Court where we assume the federal district attorney is giving it the sympathetic attention the case obviously deserves.

In making these representations to you in conjunction with the representatives of the I.W.O. we speak wholly from the pa-



-2-

Hon. Robert H. Jackson

May 1, 1940.

interest, and not on behalf of that or any other
particular organization.

We are,

Very sincerely yours,

General Counsel

Director

AMERICAN CIVIL LIBERTIES UNION
METROPOLIS BUILDING, 31 UNION SQUARE WEST
NEW YORK CITY

101

May 1, 1940

Information concerning recent searches made at the instance of agents of the Dies Committee shows that action presumably illegal took place in Philadelphia, Baltimore and Pittsburgh, where local committees of the Civil Liberties Union are engaged in contesting the seizure of records. In Boston material was surrendered to an agent of the Dies Committee apparently without resistance.

In Pittsburgh the lodgings of the local secretary of the Communist Party were searched and his papers seized without warrant. In Philadelphia the local police, acting at the instance of Dies Committee agents, seized material from the Communist Party and the I.W.O. under a local warrant and transported it out of the state to Washington. It was in the possession of the Dies Committee for some days before being returned to Philadelphia where it is now being held pending the outcome of court proceedings in the federal court. In Baltimore material was apparently illegally seized, but no court contest has as yet been instigated.

It cannot be emphasized too strongly that congressional committees have the power only to issue subpoenas for the appearance of witnesses and the production of records. They have no power to make searches. It is a grave question in law whether even local officials acting under local statutes have the right to turn over to a congressional committee material seized for purposes allegedly of prosecution. That they have such a right in relation to material to be used by the federal government for the purpose of prosecution is clear. But a sharp distinction must be made between prosecution and investigation. No congressional committee would appear to have the right to accomplish by pressure on local officials ~~what~~ what it cannot accomplish directly under the law.

May 2, 1940

The Honorable Robert H. Jackson
Attorney General of the United States
Washington, D.C.

Sir:

The Committee now appearing before you is composed of ~~Robert Shipka~~,
Treasurer of the International Workers Order; John E. Middleton, Vice-president
of the International Workers Order; Saul Waldbaum, attorney for the I.W.O. in
the Philadelphia case; Jerry Trauber, National Junior Director of the Inter-
national Workers Order. This Committee has come for the purpose of urging that
you investigate violations of civil rights which have taken place in connection
with an unlawful raid on the Philadelphia district office of the International
Workers Order, Inc., located at 810 Locust Street, on the 2nd day of April,
1940, and in connection with unlawful searches and seizures there and then
perpetrated, as a result of which records, documents and property of said
International Workers Order were unlawfully delivered to the Special Committee
of the House of Representatives on Un-American Activities, commonly known as
the Dies Committee.

For your information, please be advised that the International Workers
Order, Inc., is a fraternal benefit society duly organized under the Insurance
Law of the State of New York, and is licensed to operate in 15 other states. The
I.W.O. has a national membership of 165,000, composed of men, women and children
who were welcomed into the International Workers Order regardless of race, color,
 creed, political or religious opinion. It has \$91,000,000 insurance in force and
\$500,000 in assets. During its ten years of existence the I.W.O. has paid out
over \$3,300,000 in sick and death benefits.

The International Workers Order plays an active part in civic and cul-
tural education among its membership; a pledge to work for unemployment and social
insurance is contained in the first Constitution of the I.W.O.; the I.W.O. was
instrumental in organizing the Fraternal Federation for Social Insurance; it as-

-2-

George on Washington's Birthday and to the American home of Guiseppe Garibaldi on his birthday, July 4th.

It is licensed to do business in the State of Pennsylvania. In connection with its business it maintains an office at 810 Locust Street, Philadelphia. One Frank Hollman was and is the district organizer in charge of said Philadelphia office.

On April 2, 1940, at about 11:15 A.M., under cover of a search warrant signed by Magistrate Jacob Dogele, of the City of Philadelphia, issued upon the oath of one George F. Hurley, an investigator for the Dies Committee, and providing for a search and seizure warrant for "certain books, records, writings, publications, printing cut cartoons, utterances, documents, or writing in any form, which advocates, furthers, or teaches sedition, in violation of an Act of Assembly of June 26, 1919 (Act 275), and as amended May 10, 1921, (Act of Assembly, State of Pennsylvania (Act 211)," and which said search warrant specifically named Frank Hollman aforementioned, Chester Howe, George F. Hurley, investigators and employees of the Dies Committee, together with one Albert A. Granitz, a Lieutenant of Police of the City of Philadelphia, accompanied by additional police officers of the City of Philadelphia and other unknown persons, entered the Philadelphia office of the International Workers Order as above mentioned, took possession of the telephone, refused to allow Mr. Hollman to communicate with his attorneys, answered all incoming calls, broke open all desks, held persons in the office incommunicado, raided the office, and illegally seized documents, papers, records and other items having no relationship whatsoever to the matters mentioned in the search warrant. Some of the items seized were an American flag, membership policies, some executed applications for membership, blank membership applications, typed suggestions for a membership campaign, reports of the campaign, programs for the organization of social life in the lodges, copies of the by-laws of the International Workers Order, a list of state legislators and state congressmen of Pennsylvania, lantern slides on the life of Abraham Lincoln, and similar objects, a list of the members and physicians of the Medical Department of the Order in Philadelphia, and files of correspondence among the district office, the national office, and the lodges of the International Workers Order; the raiders moved same in trucks brought for that specific purpose by the said agents of the Dies Committee, and thereupon took said material so seized out of the state into the District of Columbia, where it was forthwith delivered to the Dies Committee.

No attempt was made in any shape, manner or form at the time to examine any of the material seized to see whether therein contained was anything seditious; everything was just scooped up and taken out.

This search and seizure was in violation of the constitutional rights of said International Workers Order, and in violation of the Fourth, Fifth, Sixth,

STATEMENT BY SAUL G. WALDBAUM, ESQ.

Attorney for the International Workers Order.

On April 2, 1940, shortly before noon, two raids were conducted by the Philadelphia police in conjunction with George F. Hurley and Chester Howe, investigators for the House Committee on Un-American Activities, on the headquarters of the International Workers Order, 810 Locust Street, and the headquarters of the Communist Party, Eastern District of Pennsylvania, 250 S. Broad Street, Philadelphia. The raids were conducted about five or ten minutes apart. During the raids all property which could be found was seized by the raiders and turned over to George F. Hurley who placed the property on a truck and took it to Washington, D. C.

The seizure of property was made pursuant to a search and seizure warrant issued by Magistrate Jacob A. Dogole, which warrant directed the seizure of "seditious" material under the Pennsylvania State Sedition Statute passed in 1919 and amended in 1921. The last important prosecution under this sedition statute in Pennsylvania took place in 1928. Although the search and seizure warrants were issued pursuant to the Pennsylvania State Statute for sedition, no body warrant for the arrest of any persons was issued by the Magistrate charging them with the crime of sedition. This sedition statute does not provide for the issuance of a search and seizure warrant in connection therewith.

The search and seizure warrant, based upon an affidavit taken by George F. Hurley, does not set forth any facts nor does it indicate the least possible basis for "probable cause" for the belief that seditious material existed at either of the properties. The search and seizure warrant itself says "upon the oath of and subscribed by George F. Hurley, an investigator of the House of Representatives, Washington, D. C., alleging that there is probable cause believing, and does believe, and setting forth reasons for such belief."

etc. which advocates, furthers or teaches sedition." The search and seizure warrants were issued upon mere belief which is not enough. It did not set forth any facts leading to this belief nor did it set forth the names of the persons from whom the information was obtained by Hurley, the affiant.

The search and seizure warrant directed to Frank Hellman, the District Organizer of the International Workers Order, accompanied a subpoena from the House of Representatives which requested that he bring with him all documents, records, correspondence, etc. pertaining to the business of the Communist Party or to the activities of the individual members of the Communist Party. The headquarters raided in this instance was the official business office of the International Workers Order. The International Workers Order is a fraternal insurance society incorporated under the laws of the State of New York, pursuant to Art. 7 of the Insurance Law of the State of New York, entitled "Fraternal Benefit Societies", and registered to do business in the State of Pennsylvania and in fifteen other states in the United States. The books, records, files and office of the International Workers Order were at any time open to inspection by the Insurance Commissioners of either the State of New York or the State of Pennsylvania.

The constitution and by-laws of the International Workers Order, a copy of which is hereto attached and made part hereof, contains the following Declaration of Principles:

"The International Workers Order is a fraternal benefit society. Its principles and practices are guided by the experiences and progressive traditions of American fraternalism.

The Order provides sick, disability and death benefits. It organizes for its members medical aid and other forms of fraternal help. It pledges its members to aid and comfort each other in case of need. It endeavors to make its lodges a source of joy and happiness for the members and their families.

The International Workers Order is founded on the principles of democratic fraternalism. Its doors are

Around this program the Order undertakes to organize adults, young people and children. It helps to promote sports life, musical organizations, dramatic and educational groups for social entertainment.

The fraternal ~~service~~ of the International Workers Order aims primarily to help the toiling people. Their only source of income is their own labor. Fraternal benefits are for them an indispensable emergency aid. The Order recognizes, however, that emergency aid alone cannot solve the problem of economic insecurity. The activities of labor unions contribute to that solution by striving for job security, for better working conditions and for adequate wages. Progressive movements of the people contribute to that solution by securing adequate social legislation. Eternal vigilance is the price of liberty and the safeguard of the democratic institutions of the land.

Armed with these principles, the International Workers Order pledges to mobilize its members for the support of labor's economic and social efforts. The I. W. O. assumes the great traditional obligation of the fraternal movement to win its members for unity of the people in city and country, as a means of preserving and extending our American democracy and of maintaining world peace. Everywhere and at all times the International Workers Order shall make itself a part of democracy and progress which make for the continuous improvement of the economic security of the people and for the development of a better America.*

All the property taken from the office of the International Workers Order is their own property and has no relation whatever to the Communist Party

The property taken included the following:

- Figures on membership records.
- Minute book of District Committee.
- Telephone Directory.
- Photographs.
- Two cabinets, four doors each.
- One cabinet, one drawer.
- All correspondence files.
- Projector--slides.
- Some mail.
- Educational outlines.
- Copies of constitution and by-laws of Order and other fraternal societies.
- Reports of I. W. O. Conventions.
- Educational material such as history of Jewish people, history of "Ukranian".
- Games for lodges.
- Signed application blanks for members in I. W. O.
- Check Book-Bank statements, receipt books, account books, and ledgers.
- Names and addresses of subscribed list of fraternal outlook -- official magazine of Order.
- Names and addresses of Secretaries and District officials.

Both raids were conducted with a few police in uniform, but a large number of persons in plain clothes. They refused to permit any of the persons in either office to communicate with their attorneys, refused to permit incoming or outgoing calls, forcefully restrained all persons who came into the offices until the raids were finished, and in other ways conducted themselves in a manner unbecoming to officers of the law.

The raid on the Communist Party headquarters has already been the subject of a warrant of arrest for conspiracy to deprive citizens of their constitutional rights, issued by the Honorable George A. Welsh, Judge of the United States District Court, Philadelphia, Penna. In addition there are two civil suits pending, one by the International Workers Order scheduled for hearing before Judge Welsh on April 17th, calling for an injunction against the use of the property seized or any copy or extract therefrom -- a return of the property seized -- and the quashing of the search and seizure warrant. This suit alleges first that the search and seizure warrant was null and void, that it was in violation of the United States Constitution and the emendments thereto, and contrary to the Act of April 20, 1871 (Civil Rights Statute which was recently commented upon at great length at the famous Héague trial by the District Court, the Circuit Court and the United States Supreme Court).

The testimony of the Magistrate who issued the warrants was as follows:

- Q. Now, when did Mr. Hurley appear before you to make this complaint, Judge?
- A. He appeared before me around 12:20 on April 2nd, A. M.
- Q. At your home?
- A. At my home.
- Q. And did he at that time make an application for the warrant of seizure?
- A. He did.

BY THE COURT:

- Q. Was that 12:20 after midnight, Judge?
- A. That is right.

A. He showed me he was an investigator and duly sworn investigator for the Dies Committee of the House of Representatives.

Q. And specifically what did he tell you when he requested you to issue a warrant of seizure?

A. Well, he told me that he wanted a warrant for the arrest of a certain place for the possession of seditious literature, where un-American activities are being conducted.

Q. And did he tell you what he wanted to do with the literature after it was seized?

A. I did not discuss it with him at that time, because I told him at that time it was 12:20 A. M. and that I had no search warrants at my home, that I would have to draw that up at my office. And I also told him that at that time I did not want to know where the place was located, whom he wanted to search, because if there was a leak there might be a doubt raised in the mind of the officials that it had something to do with my office, and I told him that I did not want to know anything about it. But I also told him that I would first consult the District Attorney of Philadelphia County if I was within the law and within my rights to issue that warrant and how to issue and under what act, and Mr. Hurley agreed to come here -- to my office early in the morning. I told him that I had hearings at eight forty-five at the district I am conducting, and he would have to be there very early if he wanted me to draw these warrants up.

The following -- about seven o'clock in the morning I called up Vincent Carroll, one of our assistant District Attorneys in Philadelphia County, and I discussed the matter with him over the phone. And he explained to me the sedition act of our laws in Pennsylvania and he said that you were "within your right, and as a committing magistrate you must issue a warrant if the proper complaint is presented to you and being duly sworn according to the law."

Q. Now, prior to the time that you spoke to Colonel Carroll, did Mr. Hurley describe to you, the, specifically, the seditious literature which he believed concealed upon the premises?

A. He had -- he did not. He said he had, only on the information that he had, and he told me that that was located at --

Q. Yes, but did he tell you what there was located there?

A. He said there were dockets, books, literatures.

Q. Did you question him as to the basis for his knowledge, where he got his information?

A. Well, I did not ask him because I did not think it was my job at that time to question him, that was his personal --

Q. Did you ask him in what respect this material that he wanted was seditious?

A. He said it was seditious literature.

Q. Just using that word?

A. That's right.

Q. Just that?

A. He said to me it was literature and papers and records and everything else there that was seditious. It was a violation of the Act of Assembly and a violation of the United States Government.

Q. Now, did he tell you in what respect this suspected literature was seditious, in what way it was unAmerican?

A. He did not.

The manner of the issuance and service of the search and seizure warrants and the conduct of the raids was a brazen disregard of the democratic rights of our citizens and an open violation of the Federal Constitution and the Bill of Rights. If the International Workers Order, a corporate body chartered and existing under the state laws, can be raided under the pretense of seeking out and confiscating seditious material, that fraternal society, trade union, or any other organization is safe in the security and protection of their constitutional rights. If they can raid the office of the International Workers Order and confiscate its property under an alleged search and seizure warrant for seditious material, they can raid the office of every trade union in the country, seize their membership lists and smear them all over the papers as Communists, foreign agents and subversive characters.

These raids are serious enough to warrant the attention of the Attorney General's office, and it is earnestly and respectfully requested that the Attorney General thoroughly investigate the raids.

SAUL C. WALDBAUM, Esq.

Attorney for the International Workers Order.

and Fourteenth Amendments of the Constitution of the United States, and in violation of the Act of April 20, 1871 (Revised Statutes, Section 1979 U.S.C.A. Section 43). Due process of law was indeed honored in the breach thereof.

It is important to note that the search and seizure warrant was null and void and of no legal force and effect in that it failed to specify any particular property sought to be seized; no attempt at all was made to describe said matter. It also should be noted that the search and seizure warrant was not issued in connection with the ordered arrest of any one. So far as Mr. Hellman was concerned, after the raid had been completed, he was served with a subpoena duces tecum requiring his forthwith appearance before the Dies Committee, and ironically enough, directed to produce the very records which had just been unlawfully seized and taken out of possession of the organization by which he was employed.

It is clear that the whole procedure was a deliberate, planned conspiracy to deprive the International Workers Order of its constitutional right to be secure against unlawful searches and seizures, and we therefore urge you to take steps to punish the conspirators, whoever they may be, including the individual members of the Dies Committee, if they connived, participated in, countenanced or encouraged these illegal acts to be committed.

It is also important to note that although the warrant issued by Magistrate Dogole specifically provided that all matters seized pursuant thereto be immediately returned before him, nevertheless, they were taken without the state and rushed to Washington. Evidently aware of the irregularity and illegality of this procedure, Chairman Martin A. Dies, of the Special Committee of the House of Representatives on Un-American Activities, immediately announced in the public press that the seized documents had been entered into his Committee's records and that the seizure and incorporation of the material was a fait accompli.

All of the foregoing was in violation of the constitutional rights of said International Workers Order, and said persons and organizations were deprived of their liberty and property, documents and papers, without due process of law.

This raid on the offices of the International Workers Order, Inc., was paralleled by a similar raid simultaneously engaged in at the office of the

must be preserved. Only by the observance of these rights by all our people can our democracy stand."

Our committee wishes to call attention to the fact that this unlawful raid and search and seizure took place on the day following a speech made by you before the Annual Conference of U.S. Attorneys, in which you, Mr. Attorney General, stated:

"In times of fear of hysteria, political, racial or religious groups . . . cry for the scalps of individuals or groups because they do not like their views . . . Particularly do we need to be dispassionate and courageous in those cases which deal with so-called 'subversive' activities.

"They are dangerous to civil liberties. . . Activities which seem benevolent and helpful to wage earners, persons on relief, or those who are disadvantaged in the struggle for existence, may be considered as 'subversive' by those whose property rights might be burdened or affected thereby."

Our committee asks, therefore, that you take that "dispassionate and courageous" action which is so necessary if these outrageous violations of civil rights and American traditional liberties are not to be repeated..

We suggest that those responsible for these raids and unlawful searches and seizures have violated Section 51 (Criminal Code, Section 19) of Chapter 3 of Title 18 of the United States Code. This chapter, entitled "Offenses against elective franchise and civil rights of citizens," provides in Section 51, which is entitled "Conspiracy to injure persons in exercise of civil rights," that it is a crime punishable by a fine of not more than \$5,000, and imprisonment of not more than ten years, "if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or Laws of the United States, or because of his having so exercised the same" The Section further provides that persons so convicted shall "be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or Laws of the United States." Surely this would specifically apply to the office of Congressman.

Our committee welcomed the establishment of a Civil Rights Division

and committed by the Dies Committee against the International Workers Order, Inc.,
as above stated;

2) that you prosecute swiftly and vigorously those responsible for these violations
and denials of constitutional rights under the section of law aforementioned or
under any other section which in your discretion you may determine applicable
thereto;

3) That you exert your best efforts toward effecting the immediate return to the
International Workers Order of all records and documents unlawfully seized and
still withheld from the International Workers Order;

4) finally, that you give renewed assurance that your Department will exert its
utmost influence and power to the end that such violations may not again be
repeated, and that civil liberties in America will be maintained.

Respectfully submitted,
General Executive Board
International Workers Order

(Signed)

MAX BEDACHT
General Secretary

ucpwa
L.18

Mansfield, Ohio.
August 1st, 1939.

Federal Investigation of
The Department of Justice.,
Washington, D. C.

106270

Dear Sirs:

Would you kindly advise me if there is a U. S. Commission of Civil Liberties Rights or is there a Civil Liberties Union or Civil Rights Union that is located in Washington, D. C. and would you be permitted to give me the address or tell me how I can obtain it.

Thanking you for this courtesy, I am,

Very truly yours

M. H. Hautzenroeder

Address:

M. H. Hautzenroeder.,
#23 Benton Street.,
Mansfield, Ohio.

RECORDED
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INDEXED

61-190-185

FEDERAL BUREAU OF INVESTIGATION

AUG 3 1939

U. S. DEPARTMENT OF JUSTICE

No previous record
in files 8/4/39, etc

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8. A. J. J.

1/27/40
THU

JJM:NWD:MM

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61-190-185

August 11, 1939

166269

Mr. H. H. Hutzenroeder
23 Benton Street
Hansfield, Ohio

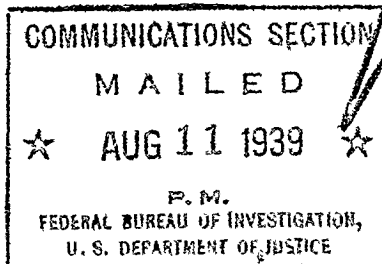
Dear Mr. Hutzenroeder:

I wish to acknowledge receipt of your letter of August 1, 1939, relative to your inquiry regarding a United States Commission of Civil Liberties located at Washington, D. C.

I am pleased to advise that the U. S. Department of Justice maintains a Civil Liberties Division, and in the event you desire you may communicate directly with the Attorney General at Washington, D. C., for any information regarding that Division of the Department of Justice.

Sincerely yours,

Mr. Tolson
Mr. Nathan
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Egan
Mr. Glavin
Mr. Crowl
Mr. Harbo
Mr. Lester
Mr. Lawler
Mr. Quinn
Mr. Nease
Mr. Rosen
Mr. Tracy
Miss Gandy



Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: January 31, 1949

FROM : A. F. Lorton *al*SUBJECT: ALLEGED IRREGULARITIES
TEXAS SPECIAL ELECTION, AUGUST 28, 1948
ELECTION LAWS

Mr. Tolson	_____
Mr. E. A. Tamm	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Pennington	_____
Mr. Quinn Tamm	_____
Tele. Room	_____
Mr. Nease	_____
Miss Holmes	_____
Miss Gandy	_____

The Congressional Record for January 5, 1949, page 26, reflects that the Senate recently has referred to the Committee on Rules and Administration a petition from various citizens of Texas asking for an investigation of the Democratic run-off primary election in 1948 for Senator from Texas.

It will be recalled that the Bureau made some investigation at the request of the Department into this situation which concerned the race between Congressman Lyndon Johnson, the successful candidate and former Governor Coke Stevenson. We interviewed a number of complainants and other individuals said by them to have information. The Department discontinued our inquiry, however, when a Senate Sub-Committee impounded the pertinent election records and made other investigation. On January 7, 1949, AAG Campbell advised that he is communicating with the US Attorney, Houston, as to whether any further action should be taken by the Bureau. Nothing is outstanding at this time.

The above is being submitted for the purpose of placing the material from the Congressional Record in the case file.

AFL:JH

G. R. J.

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b7E

RECORDED - 108

EX-141

F B I
13 FEB 3 1949

EX-15

50 FEB 16 1949

RECORDED

March 12, 1946

b7E

EX - 76

Mr. Harace E. Spencer
Deatur
Tenns

Dear Mr. Spencer:

This will acknowledge receipt of your letter dated February 27, 1946, in which you furnished information of interest to this Bureau. In the event information of specific violations concerning Federal matters come to your attention, I urge you to communicate that information to our Special Agent in Charge, Federal Bureau of Investigation, 1318 Mercantile Bank Building, Dallas, Texas.

Accept my appreciation for your evident interest in the affairs of this Bureau in calling these matters to my attention.

Sincerely yours,

John Edgar Hoover
Director

COMMUNICATIONS SECTION

MAR 14 1946

Enclosed is a copy of lettering -- for information.

EXACT COPY

Decatur Texas
Feb. 27 - 1946

Gentlemen of the F.B.I.

I may be on a wild goose chase there like to know. I was born on this burg Nov. 1-1880. Since I have been old enough to vote I believe I am safe in saying that we have not had one fair election on Wise Co. This may be out of your line of Duty Never The less I would like to know just what can be done about the matter. From Talk here in Town and over the Country Boxes are being bought on several different localities. Me. I guess I am funny if I sit down to play a game of any kind and anyone starts to cheat I am through. No I don't have any Wings neither are they starting to sprout But what I would like to know is there any way We could have (1) Square election in Reply I beg to Remain yours Very Truly for square dealing

Horace E. Spencer

cc: SAC, Dallas

an P. W.

Decatur Texas

Feb. 27-1946

Gentlemen of the F.B.I. Election Fraud
I May Be On a Wild goose Chase there
are some few things which I would
like to know. I was Born in this
burg Nov. 1-1880. Since I have been old
enough to vote I believe I am
safe in saying that we have not
had one fair election in Wise Co.
This May Be Out of your line of
Duty Never the less I would like
to know just what can be done
about the matter. From Talk here in
town and over the County Boxes are
being bought in several different
localities. Me. I guess I am running
if I sit down to play a game of
any kind and anyone starts to
cheat I am through. No I don't have
any wings. But what they starting
to sprout. What I would like
to know is there any way
could have these things
Wise County. I square deal
Reply I Beg To Remain
Very Truly for square dealing
Herace E. Spencer

Federal Bureau of Investigation
United States Department of Justice
Knoxville, Tennessee
January 1, 1943

Director, FBI

Re: UNKNOWN SUBJECTS; Alleged Irregularities
in Election at Madisonville, Monroe
County, and in Knox County, Tennessee,
November 3, 1942.
ELECTION LAWS

Dear Sir:

Under separate cover there are being forwarded the ballots
cast in the November 3, 1942 congressional election held in
Monroe County, Tennessee.

It is requested that these ballots be examined for any
alterations that may have been made. In the event any alterations
are found, it is requested that those ballots be examined for any
latent fingerprints. It is also requested that a count of these
ballots be made, reflecting the number of votes cast for candidates
in the congressional election.

Very truly yours,

W. A. MURPHY, SAC

FJH/bl

b7E



COPY AND SPECIMENS RETAINED IN LAB.

JAN 5 1943

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **DALLAS**

FILE NO.

b7E

REPORT MADE AT DALLAS	DATE WHEN MADE 8/11/41	PERIOD FOR WHICH MADE 8/7/41	REPORT MADE BY A. P. KETCHIN (SAC)
TITLE ALLEGED IRREGULARITIES, U. S. SENATORIAL ELECTION, STATE OF TEXAS, JUNE 28, 1941			CHARACTER OF CASE ELECTION LAWS

SYNOPSIS OF FACTS: Special Assistant Attorney General BEN F. FOSTER authorizes closing of investigation.

C



REFERENCE: Report of Special Agent T. J. WILKINSON, Dallas, dated 7/10/41.

DETAILS:

By letter dated August 6, 1941, Mr. BEN F. FOSTER, Special Assistant to the Attorney General designated to handle this investigation, informed this office that, in accordance with instructions he has received from the Department, this investigation should be discontinued and the case closed.

C L O S E D

CH-17

APPROVED AND FORWARDED  SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	RECORDED <div style="border: 1px solid black; width: 100px; height: 30px; margin: 0 auto;"></div>
COPIES OF THIS REPORT 3 Bureau 1 Houston 2 San Antonio (1 Spl Asst AG, BEN F. FOSTER) 2 Dallas	AUG 14 1941 	

b7E

Texas Groups Ready To Investigate Senate Race If G-Men Start Probe

AUSTIN, (INS) — If it's political poker that Washington is playing, Texas senators stand willing to call all bets and see who, if anybody, is bluffing.

This was the interpretation placed by political observers on the Washington-Austin exchange initiated by two separate radio commentators' predictions that G-men would swarm down on Texas to investi-

gate the election in the event Governor W. Lee O'Daniel is issued a certificate of election after next July 14, as United States senator.

The radio stories of federal investigations were followed by:

1. The threat that the senate's general investigating committee would exercise its powers to go into the campaign, with emphasis upon

(Continued on page 2)

THE AMARILLO TIMES

ap Move In Far Ea

Senate Probe . . .

(Continued from page 1)

spending by all the candidates.

2. The promise that a senate committee hitherto unconsidered in the senate fuss—that on un-American activities—likewise would do a little investigating, with emphasis on Hatch act violations.

The latter promise was made by Senator Clem Fain of Livingston, chairman of the committee. "We've got just as broad powers as the general investigating committee," said he, "and I've already contacted members of my committee." His idea was that the Texas senatorial groups would swing into action "if the federal government or its agencies make one stop" toward Texas.

Senator Allen Shivers, Port Arthur, a member of the senate's general investigating committee, conferred by telephone with colleagues on the committee, announced that the chairman, Rudolph Wainert of Seguin stood ready to call the committee if one instance of law violation was brought to their attention.

Shivers added the personal observation that the radio commentator about a mysterious meeting attended by 15 state senators was "a lie."

This was seconded by Fain.

"I'm willing to indulge a prophecy," said Fain, "that if any investigation is made, there won't be found any irregularities in voting, or any stuffing of ballot boxes, and it may

be difficult to place a finger on the obviously excessive spending; but there will be found flagrant violations of the Hatch act."

He expected a double-barreled investigation—by the general committee under Weinert, and by his own group—"if the federal government or any agency makes one step." His committee on un-American activities, Fain believed, would have power to sit in on any probe because "anything that seeks to destroy unity at this time is un-American." Fain said he had polled his committee and they were "ready to go."

Members of the Fain committee include Jesse Martin of Fort Worth, close friend of Governor O'Daniel; John Lee Smith of Throckmorton, Claude Isbell of Roswell, and George Moffett of Chillicothe.

Members of the Weinert committee are notable for their close friendship with Lt. Gov. Coke Stevenson who will be governor if O'Daniel is seated. Besides Weinert and Shivers, they are Weaver Moore of Houston, Houghton Brownlee of Austin and A. M. Alkin Jr. of Paris.

LONDON—(INS) — The London Daily Mirror quoted the Berlin radio as reporting that Washington has instructed members of the American embassy staff in Moscow to leave the Soviet capital and establish the embassy elsewhere. There was no confirmation of this report.

Sol

tative of "B and Argen ago. lions the d a size Ec Peru tions tatio It diplo Unit Brax bring tions Ab) great it is will the I bear Me Natl occas Well have agent prov wate Ti in in info elec cred

Continued on page 2

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

AR:DS

July 22, 1941

MEMORANDUM FOR THE DIRECTOR

With reference to your inquiry concerning the outcome of the Texas Election fraud case, I wish to advise that the entire investigation has been completed; that reports have been received at the Bureau and transmitted for the attention of the Department. Mr. Kitchin has also advised us that Foster, the United States Attorney who has been handling this matter out of San Antonio, has indicated that he will submit a memorandum to Mr. Kitchin authorizing the immediate closing of the investigation in view of the fact that no violations have been established.

The investigation is now in a closed status and all of the material which has been developed has been transmitted to the Department.

Respectfully,

Edward A. Tamm

Mr. Tolson ☒
Mr. C. A. Tamm
Mr. Clegg
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Carson
Mr. Drayton
Mr. Quinn Tamm
Mr. Hendon
Mr. Coffey
Mr. Harbo
Tele. Room
Mr. Nease
Miss Gandy

CH-26

RECORDED

7 JUL 26 1941
U.S. DEPARTMENT OF JUSTICE

b7E

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

July 10, 1941

EAT:GEG

Time: 10:00 A.M.

MEMORANDUM FOR THE DIRECTOR

Re: TEXAS ELECTION FRAUD

I called SAC Kitchin at Dallas to inquire concerning the progress of the captioned investigation. He stated that the Dallas Office had completed its part of the investigation with the exception of submitting reports on the inquiries conducted in the last three counties. No affirmative information has been developed, the only discrepancies discovered having been explained as mistakes, that is, when a voter comes to the polls, his name is checked off the list of voters and the actual number of votes cast in a few instances varied from the number of voters who had been checked off the list. However, the variation amounted to but one or two votes which could be considered errors.

Mr. Kitchin's attention was called to a rumor that the liquor interests were involved in election irregularities in Texas, and he stated he had no knowledge of such a matter. However, he stated that Foster, the Special Assistant to the Attorney General who is handling this case, had told him he heard a rumor to the effect that a fellow named Beck, who is connected with one of the breweries in Texas, had met with the Lieutenant Governor and one or two others at Austin, Texas, for the purpose of swinging his influence in favor of O'Daniel after it was evident that Dies, whom Beck had been supporting, was out of the race. Inquiry failed to disclose that these men registered at the hotels they were reported to have visited, and the rumor has not in any way been verified.

I told Mr. Kitchin that he should take charge of this investigation and check to ascertain the progress of the inquiries in San Antonio and Houston in order to be sure that the matter is being handled properly and promptly in accord with the wishes of Foster. Mr. Kitchin stated that the reports from the San Antonio and Houston Offices should be received today, and I told him to take this material when it is received to see Foster for the purpose of finding out if there is any further action to be taken by the Bu

Mr. Kitchin called subsequently, stating he had checked with the San Antonio and Houston Office; that the San Antonio Office had submitted its reports to him last night and that the reports from the Houston Office would be forwarded to him tonight. He had then checked

What has been the final outcome?
N.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Mr. Nease _____
Miss Gandy _____

RECORDED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
JUL 11 1941
JUL 11 1941

Memorandum for the Director

- 2 -

with Mr. Foster at San Antonio who stated he did not want to be quoted, but that the Bureau could be advised that, as far as he, Foster, is personally concerned, he had written a memorandum to the Department yesterday in which he stated that the investigation had been conducted along the suggested lines but that nothing of an affirmative nature had been developed. He stated that his recommendation to the Department would be that the investigation be discontinued. Mr. Foster will advise Mr. Kitchen immediately upon receipt of authorization to discontinue the investigation.

Respectfully,


Edward A. Tamm

Federal Bureau of Investigation
United States Department of Justice

2706 Gulf Building
Houston, Texas
July 21, 1941

Mr. Tolson ✓
Mr. E. A. Tamm ✓
Mr. Clegg ✓
Mr. Glavin ✓
Mr. Ladd ✓
Mr. Nichols ✓
Mr. Rosen ✓
Mr. Tracy ✓
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Miss Gandy

Director
Federal Bureau of Investigation
Washington, D. C.

Re: ALLEGED IRREGULARITIES
UNITED STATES SENATORIAL ELECTION
STATE OF TEXAS, JUNE 26, 1941;
ELECTION LAWS.

Dear Sir:

For the Bureau's information, there has been absolutely no publicity in the local papers in this district regarding the fact that Bureau Agents conducted an investigation in twelve of our forty-six counties in the captioned matter, although the papers carried a number of items setting out the demands of one person or another that some kind of an investigation be made.

I received only two or three perfunctory inquiries as to whether we intended to make such an investigation, all of which were received either while the investigation was being conducted or subsequent to its completion, and in all instances I of course advised that I had no comment to make.

I am enclosing a clipping from the *Christi Caller Times* of July 13, 1941, to the effect that the people of Texas do not want the FBI to make an investigation of this type. It will be noted that the article is not particularly complimentary.

Very truly yours,

R. J. ABATECCHIO JR.
Special Agent in Charge

RJA:mle

cc Dallas
cc San Antonio

AIRMAIL

CH-18

[91]

CORPUS CHRISTI CALLER TIMES
July 13, 1941

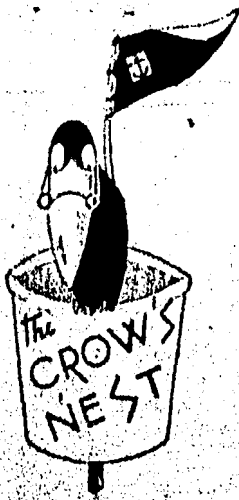
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

JUL 19 1941

HOUSTON FIELD OFFICE

ROUTED TO

FILE



Election Investigation

The Lookout has seen few elections, local, state or national, that wouldn't bear some sort of investigation. By the same measure, he doubts that the facts disclosed in almost any election investigation, especially in Texas, would change the result materially. One side is usually as gully as the other when it comes to dirtying its linen.

Still, there is no harm in having a good election investigation every now and then, even if it doesn't affect the outcome. But it should be thorough and it should be made public. Let the people know all the facts and all the shenanigans, regardless of whom the revelations may hit. Then, maybe, in the next few election campaigns, candidates will hew closer to the line, knowing as they would that their tactics are being watched and weighed. It would cut down on a lot of this wild and woolly stuff that has become more or less common in Texas and elsewhere during the last decade.

But if any election investigation is not thorough, is not public, is not made known to all concerned, then it is a waste of time and money. It is a waste of time and money to have an investigation that is not thorough, is not public, is not made known to all concerned, then it is a waste of time and money.

Keep It Local

Now they are talking about investigating the recent Senate election in Texas, all the way from Washington to Austin.

And maybe they will and maybe they won't. The Lookout doubts that it will ever get past the palaver stage, but will build up to a free-for-all mud-slinging when the performance plays a return engagement, come next summer.

As it stands W. Lee O'Daniel was elected senator from Texas to serve out the unexpired term of the late Senator Sheppard. Unless the official canvass disputes Texas election bureau figures, which is very unlikely, the result will be unchanged. An the Lookout doubts that any investigation would change it, the figures possibly, but not the result.

But if there is to be an investigation, let it be conducted in Texas, by Texans, in Texas fashion, by a fact-finding committee, impartially selected, and not stacked for or against any candidate who made the race. Let the G-men from Washington and elsewhere keep their noses out of it. Keep FBI standing for Federal Bureau of Investigation and not Federal Bureau of Intimidation, which is what it would turn out if used in the suggested capacity.

Not for the FBI

The Senate race didn't go to suit the Lookout; in fact, it went to the opposite extreme. But the result stands so far as he is concerned lest it can be proven that the O'Daniel forces pulled any more back room stunts than any other candidate in the race. And if there is to be an investigation, O'Daniel's crowd shouldn't be made the goat. They all should get on the pliddle together. That's fair play.

And even if O'Daniel is the only senator Texas has from here on out, the Lookout would insist that the FBI be left out of it. We don't want any OGPU activity in this state or this nation.

Besides, if local or state politics are to be investigated by the federal police, let them start where the rotten machine abuses exist, in states such as New Jersey and cities such as Chicago. If it is political shenanigans we are going to get shed of, start at the beginning and let Texas stand its turn. Thrown in with the whole, we would be far down the line.

The administration in Washington has things pretty much its own way, in both foreign policy and internal affairs. It has called for unity in time of crisis and for a moratorium on politics. Well and good, and people of varying political faiths adhere to its ideal, but at the same time the administration crowd, in taking its critics to bury the hatchet, should evidence some willingness to practice what it preaches, which it doesn't do when it threatens to sic the G-men on the Texas election. Chicago fashion.

This column is written for the Caller by Bob McCracken.

RECORDED

CPB:AR

b7E

July 18, 1941

**MEMORANDUM FOR THE ASSISTANT TO THE
ATTORNEY GENERAL MATTHEW F. McGUIRE**

**Re: Alleged Election Irregularities
Senatorial Election, June 26,
1941 - State of Texas; ELECTION
FRAUD**

With reference to your memorandum of July 5,
1941, requesting an investigation into alleged irregu-
larities in the conduct of the recent Senatorial Election
in Texas, there are transmitted herewith copies of the
following described reports:

Report of Special Agent John F. Hay,
dated July 5, 1941, San Antonio, Texas;

Report of Special Agent T. J. Wilkinson,
dated July 7, 1941, Dallas, Texas;

Report of Special Agent George N. Denton,
dated July 8, 1941, Houston, Texas;

Report of Special Agent John F. Hay,
dated July 10, 1941, San Antonio, Texas;

Report of Special Agent T. J. Wilkinson,
dated July 10, 1941, Dallas, Texas;

Report of Special Agent George N. Denton,
dated July 12, 1941, Houston, Texas.

The Dallas, Texas, Field Division of this Bureau
has advised that Mr. Ben F. Foster, Special Assistant to the
Attorney General, has requested this investigation be con-
ducted. Therefore, unless requested to the contrary, no further
action will be contemplated herein by this Bureau.

Very truly yours,

John Edgar Hoover
Director

COMMUNICATIONS SECTION
MAILED
JUL 19 1941
CH-18



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

July 18, 1941

CPB:AR

MEMORANDUM FOR MR. A. ROSEN

Re: Alleged Election Irregularities
Senatorial Election, June 28,
1941 - State of Texas; ELECTION
FRAUD

With reference to your memorandum of July 17, 1941, indicating that SAC Kitchin at Dallas had telephonically advised that Mr. Ben Foster, Special Assistant to the Attorney General, has written a letter to the Dallas Division authorizing the termination of this investigation and with reference to your oral instructions to the writer to immediately assemble all reports in this case in order that copies thereof might be transmitted to the Department, the writer requested Files to immediately locate all reports in this case.

It was noted by the writer that in the report of Special Agent T. J. Wilkinson, dated at Dallas, Texas, July 7, 1941, there were contained undeveloped leads for further investigation at Dallas, indicating that there should be a subsequent report from the Dallas Field Division which the Files Section had been unable to locate.

The writer, therefore, communicated telephonically with Special Agent E. C. Wenig of the Dallas Division on July 17, 1941, for the purpose of ascertaining if the additional investigation had been conducted prior to instructions from Mr. Foster to discontinue investigation and if so, whether a report reflecting the results thereof had been forwarded to the Bureau; if not, the writer requested that such report be immediately transmitted to the Bureau. Mr. Wenig stated he would

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Tour Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Gandy _____

b7E

RECORDED

INDEXED
2 JUL 29 1941
U.S. DEPT. OF JUSTICE

b7E

Memo Mr. Rosen

-2-

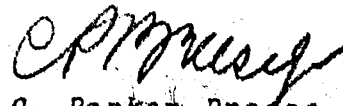
check up on the matter and immediately thereafter inform the writer.

Subsequently, Mr. Wenig telephoned the writer that a report reflecting the results of such investigation had already gone forward to the Bureau several days ago.

Therefore, the Files Section was again requested to conduct a search for such a report which was subsequently located and turned over to the writer.

All reports in this case have now been assembled and a memorandum transmitting copies thereof to the Department is attached hereto.

Respectfully,


C. Parker Breese

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

LBN:FML

July 7, 1941

MEMORANDUM FOR MR. TOLSON

[] called to advise that last evening he heard Pearson and Allen and Walter Winchell both speak of the election fraud investigation in Texas.

He stated he has heard the story to the effect that there was a secret meeting of liquor interests which determined that Governor O'Daniel had to lead the election. [] feels that both Governor O'Daniel and Lyndon Johnson are both a couple of "punks."

[] wondered first of all if we would give him some confidential background information as to whether we are making an investigation and secondly, as to the basis of the investigation for his own personal guidance. I told him we never commented on pending investigations.

It would be my suggestion that we tell [] that we are making the investigation but that any details would have to come from the Department and that he might wish to talk to either Mr. Allen or Mr. McGuire.

Respectfully,

L. B. Nichols

EX-14 RECORDED

INDEXED
m/c

FEDERAL BUREAU OF INVESTIGATION	
2 JUL 14 1941	
U.S. DEPARTMENT OF JUSTICE	

Mr. Tolson ☒
Mr. E. A. Tamm ☒
Mr. Clegg ☒
Mr. Glavin ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Rosen ☒
Mr. Carson ☒
Mr. Drayton ☒
Mr. Egan ☒
Mr. Gurnea ☒
Mr. Harbo ☒
Tele. Room ☒
Mr. Nease ☒
Mr. Tracy ☒
Miss Gandy ☒

b7D

b7E

CH-26

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

EAT:KK

5:00 PM

July 9, 1941

MEMORANDUM FOR THE DIRECTOR

RE: TEXAS SENATORIAL ELECTION.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Tour Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Gandy _____

I talked with Agent Rhoades in the Kansas City Field Division and advised him that you wanted SAC Brantley to fly to Texas and take over the direction of the election fraud investigation that is pending in allegations of irregularities in the recent election down there. I suggested that Mr. Brantley go down to Dallas tonight and call me tomorrow from Dallas and I would go over the whole situation with him at that time.

Agent Rhoades stated that he would immediately get this information to SAC Brantley.

Respectfully,

Edward A. Tamm

He was not sent
due to illness.

RECORDED

INDEXED

FEDERAL BUREAU OF INVESTIGATION

4 JUL 15 1941

U.S. DEPARTMENT OF JUSTICE

CH-21

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SIX

b7E

Federal Bureau of Investigation
United States Department of Justice

DALLAS, TEXAS

July 21, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

Re: ALLEGED IRREGULARITIES IN SENATORIAL
ELECTION, State of Texas, June 28, 1941
ELECTION LAWS

Dear Sir:

This will confirm my telephone conversation with Acting Assistant Director A. ROSEN and the telephone conversation of Mr. C. T. BREESE with Special Agent E. C. WENIG concerning the status of this investigation.

While in San Antonio, Texas, on July 16, 1941, the writer discussed this investigation with HEN F. FOSTER, Special Assistant Attorney General, at which time he advised that as far as he was personally concerned the matter was closed, and that he had so recommended to the Department; that within the next few days he would write a letter to this office authorizing that this investigation be discontinued. I advised Mr. FOSTER at that time that this case would be held in a pending status until such authorization is received from him, and requested that as soon as it was possible to do so he expedite recommendations in the matter. To date no information has been received from Mr. FOSTER; however, I think it advisable that the case still be held in a pending status, and that no action be taken by this Bureau without specific written authorization from Mr. FOSTER. As soon as this letter is received a closing report will be submitted.

EX-14
Very truly yours,

A. P. KITCHIN
Special Agent in Charge

APX:WH

RECORDED
INDEXED
FEDERAL BUREAU OF INVESTIGATION
JUL 24 1941
U. S. DEPARTMENT OF JUSTICE
ROSEN
b7E

136CH-22

EX-14

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

DALLAS

FILE NO.

b7E

REPORT MADE AT DALLAS	DATE WHEN MADE 7/10/41	PERIOD FOR WHICH MADE 7/5-9/41	REPORT MADE BY T. J. WILKINSON
TITLE ALLEGED ELECTION IRREGULARITIES - SENATORIAL ELECTION, June 20, 1941 - STATE OF TEXAS			CHARACTER OF CASE ELECTION FRAUD

SYNOPSIS OF FACTS:

Supplementary memorandum of HEN F. FOSTER, Special Assistant Attorney General, set forth, investigation conducted in designated counties. Carter City, Mills County, tallied 85 votes from 84 voters. Cartersville (Galloway), Cass County, erroneously marked one tally sheet 17, erased and corrected to 12. Marietta, Cass County, returned two tally sheets incomplete indicating 57 tallies; the two complete tally sheets reflect complete count totaling 106 tallies. All other discrepancies explained. Telephone company representatives refused to display long distance records without court order.

P

REFERENCE:

Report of Special Agent T. J. WILKINSON, Dallas, dated July 7, 1941.

DETAILS:

On July 3, 1941, the Dallas Field Division received a supplementary memorandum from Special Assistant Attorney General HEN F. FOSTER dated July 7, 1941, which is quoted as follows:

"I refer to my memorandum dated July 3, 1941, addressed to you, and request that you, Mr. AMERSON, and the Special Agent in Charge at San Antonio assign Special Agents to inquire into alleged irregularities concerning the recent Senatorial election in the following additional counties:

<p>APPROVED AND FORWARDED:</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">SPECIAL AGENT IN CHARGE</p>	<p>DATE OF THIS REPORT</p> <p style="text-align: center;"><i>[Signature]</i></p>	<p>FILE NO.</p> <p style="text-align: center;"><i>[Signature]</i></p>	<p>JUL 23 1941</p>
<p>3 Bureau</p> <p>2 Houston</p> <p>2 San Antonio</p> <p>2 Dallas</p>	<p>JUL 14 1941</p>		

b7E

Jasper	San Augustine
Liberty	Bosque
Coryell	Mills
Comanche	Milan

"Comanche and Mills counties are in the Dallas Field Division; Bosque, Coryell, and Milan, in the San Antonio Field Division, and Liberty, Jasper, and San Augustine counties are in the Houston Field Division.

"The inquiry should be directed along the lines set out in my memorandum dated July 3, 1941. However, you are further requested to instruct each Special Agent to request of the long-distance telephone operators in each community he visits a list of incoming and outgoing long-distance calls on the dates June 28th, 29th, and 30th. In this connection, it is my understanding that the telephone operators in these small communities may not require a subpoena or other process; however, should they refuse to give you the information requested without a subpoena or court order, no attempt should be made to secure the same. The name of the person calling and the person called, and other pertinent information should be secured on each long-distance call, where possible.

"Please communicate with the Special Agents in Charge at Houston and San Antonio and request that inquiry in the counties within their field divisions be begun in the morning if possible, and completed as soon as practicable.

"I have talked with several of the Agents who have made investigations in the counties previously given you and generally the type of information they have received is that desired."

As requested in the above memorandum, Special Agent in Charge A. P. KIRKIN communicated with the Houston Field Division and requested investigation in Liberty, Jasper, and San Augustine Counties. Telephonic notice was also furnished the San Antonio Field Division concerning Bosque, Coryell, and Milan Counties. Investigation at Comanche and Mills Counties was conducted by the writer.

Mrs. MARY FINKLE, County Clerk, Comanche County, Comanche, Texas, at the time of interview had not as yet made an official tally of the election returns for the constitutional election of June 20. She accounted for this by stating that County Judge ROBERT E. LOHRMANN had submitted the returns and secured the certification to the Texas Secretary of State. At the request of Agent KIRKIN she produced the envelopes as submitted to her by the 13 precincts of Comanche County. It was noted at the time that the seals on several of these envelopes were unbroken. An examination of the voters list, tally sheets, and election return forms reflected no irregularities. In all precincts the names of

T. J. WILKINSON 7/19/41

was in accord with, or less than, the number of voters. In one instance in which the tally sheet was marked in ink there was an erasure in the 60-65 column of one candidate. Apparently this was not an attempt to violate the election law inasmuch as the candidate polled over 70 votes. In Precincts number 2 and 15, polling 361 and 240 votes, respectively, there was a difference of approximately 10% between the votes cast and the total votes tallied. Mrs. FIELDS advised that inasmuch as there was little or no interest displayed in this election she had made no compilation of the results received by her. She added that some of the precinct judges had submitted unofficial returns to J. C. WILKINSON of the COMANCHE CHIEF, a local newspaper. Mrs. FIELDS stated that on Saturday evening WILKINSON had contacted her for the election results, but that she informed him to return Monday at which time she might be able to furnish him with a complete, unofficial count. Mrs. FIELDS referred to the instructions on the envelopes used in returning the various election forms, and pointed out that no specified time was set for the return of these forms and so far as she knew the returns were not late as long as they were in her office on the Monday following the election.

Miss C. FISHER, Deputy Clerk of Comanche County, displayed ballot boxes used in this election, and it was noted by Agent that they were of the cylinder gun type, each padlocked and stored in a vault in the basement of the Comanche County Court House. Miss FISHER advised that as each box was returned it was placed in the vault and that it has been the clerk's practice to retain them for a year or longer. Miss FISHER stated that only 12 or 13 boxes were returned Saturday evening after closing of the polls; the remainder were returned Monday morning. She further advised that during her seven years with the County Clerk's Office it was the custom of most of the precinct judges to return the boxes either the first or second day following election. It was only in hotly contested primary elections that these precinct judges would send in the results by telephone or messenger. To the best of her knowledge, Miss FISHER stated, no election tabulation was kept in the Clerk's office.

WILLIAM E. LICKHURST, County Judge, Comanche County, stated that he examined all tallies and election returns before certifying the results to the Secretary of State. He said he found no irregularities in the papers he examined except in one or two cases, neither instances being a attempt to change the count. In both instances the change was only one vote. The judge could not recall which precincts were responsible for these changes. According to Judge LICKHURST, all boxes and election forms were returned within the time, to his understanding that this limit was 2 p.m. Monday, July 15. He added that in no case were election returns immediately or otherwise made public by him or anyone else in the County Clerk's or his office. He stated that the practice, as he has known it for years, is for the precinct election judges to call either in person or by phone the COMANCHE CHIEF and submit the results of their respective precincts.

Mr. J. C. WILKINSON, owner and operator of the COMANCHE CHIEF, advised Agent that on Saturday evening following the closing of the polls he had visited several of the surrounding communities and compiled the results of approximately

T. J. WILKINSON 7/30/62

ten precincts. He added there were no differences in the returns as he received them Saturday and those subsequently published. He stated that in all cases he looked upon these returns as unofficial and considered them incomplete until the whole county was accounted for. According to Mr. WILKINSON, he compiled these results mainly for the purpose of publishing them in his own newspaper.

In Mills County, the writer contacted W. E. SUMMY, County Clerk, Goldthwaite. From him it was learned that all but two precincts had reported their election results on Saturday night, and that at that time he made up a compilation sheet and inserted the returns as reported to him by the precinct judges. These reports were oral and accepted by SUMMY as unofficial. An examination of this sheet and a comparison with the official canvass returns as compiled by the Commissioners Court of Mills County indicated only one change, raising the vote in favor of one candidate from 7 to 8 in Precinct 19. This difference was explained by County Judge R. J. GERALD to have been caused by his verbal report from the precinct judge at which time seven votes were reported. An examination of the tally sheet, voters list, and election return sheet for Precinct 19 reflected that the candidate actually received 8 votes. In the presence of County Clerk SUMMY Agent examined the election forms returned by the 20 precincts of Mills County. With the following exceptions, no irregularities or erasures were noted: (1) Precinct # 1 at Goldthwaite listed 209 voters with only 157 tallied votes; (2) Precinct # 4, Center City, had 84 voters but tallied 85 votes.

Miss LUCILLE CONNOR, election clerk at Precinct 1, advised that the reason 52 ballots were not counted was due to the voters failing to scratch out the second and other column of names on the ballots. She added that W. B. CLEMENTS, Presiding Judge of Precinct 1, enforced a strict ruling in all ballots, explaining that any mutilation or failure to abide by the instructions caused him to declare the ballot void.

The discrepancy in Precinct 4 was explained by A. C. LAMPSON of Center City in a signed statement, the substance of which indicated that he was unable to account for the discrepancy unless during the tally Mr. D. T. SMITH, SUMMY, who is a man over 70 years of age, called one ballot twice. Mr. LAMPSON also stated that he could account for the candidate who received the extra vote. For the information of the Special Assistant Attorney General, the returns made by Precinct 4, Center City, Mills County, were as follows:

SMITH	1
JOHNSON	15
MAHE	10
OWENS	1
TOTAL VOTES	27
TOTAL VOTERS	84

Mr. SUMMY, the clerk, advised Agent that he had received several calls with reference to the election returns, one on Sunday, June 27, a request by the PORT WORTH STAR TRIBUNE, and on Monday he received a telegram from Candidate

T. J. WILKINSON 7/10/41

JURNECK requesting submission of the returns of Mills County. On Tuesday, Dr. SCOTT TEMPLE of Center City requested an accounting of the official returns as compiled by SUMMY. SUMMY advised that he furnished TEMPLE with the count but declared that it was not official.

With reference to the storage of the ballot boxes and other election materials, SUMMY displayed the ballot boxes used in this election and it was noted that all boxes except two were individually padlocked. According to SUMMY, these two were left unlocked by precinct officials because of the returning of all the election supplies by those precincts.

R. J. GERALD, County Judge, Mills County, advised Agent that he had noticed only one difference between the unofficial count and the official tabulation as he certified it, and that was the instance above referred to in Precinct 19 in which a candidate had been counted as receiving 7 votes while he actually tallied 8. According to Judge GERALD, this was a spoken error. He further advised that all but two boxes had been returned to the County Clerk's Office Saturday evening. He explained that he understood the law the precinct officials have 48 hours in which to make returns. Judge GERALD did not know of anyone who gave out the returns prior to the completion of the count. With reference to the prompt return of ballot boxes, Judge GERALD advised that JOHN W. ROBERTS, member of the Texas Election Bureau, had previously mailed notices to the various precinct judges requesting them to report and return the election material by Saturday p.m. With respect to the official canvass, Judge GERALD advised that the election sheets and tallies were in excellent condition, showing no indication of irregularities; that it has been the practice of the Commissioners Court in Mills County to conduct an exact canvass before certifying to the final results.

At Comanche and Goldthwaite, Texas, the local managers of the telephone companies were contacted by Agent, looking toward obtaining lists of long distance telephone calls made on June 28, 29, and 30. In both instances Agent was advised by Mr. F. K. SHOCK, Comanche, and Mr. JOHN SKIPTER, Goldthwaite, that they were unable to comply with the request. It has been the custom of the telephone companies to submit these calls or these listings only when so ordered by the court. Both men seemed anxious to cooperate, but stated that they had no authority to release this confidential information.

The following investigation was conducted in Cass County, Texas, by Special Agent (A) R. B. WILKINSON:

JOHN E. BAKER, County Clerk of Cass County, Linden, Texas, produced the envelopes containing the tally sheets and poll lists for the 30 precincts of Cass County, and an examination of these by Agent showed all to be in order except those for Precincts 1 and 9. In Precinct 1, the tally sheet in the possession of the County Clerk showed a change in the number of votes awarded to candidate JURNECK. The total was changed from 17 to 18. The actual tally sheet on the tally sheet numbered 17. In adding the number of votes tallied, using 17 for JURNECK, the total was 32 votes. The poll list showed only 15 voters, and, as this precinct reported two qualified voters, the total votes tallied should have been 17.

T. J. WILKINSON 7/10/41

Mr. W. W. WOMACK of Carterville, Texas, Precinct # 5, stated that he was the official in charge of the election for that precinct, and in a signed statement outlined that when E. C. CATES, the clerk for Precinct 5, called the votes to him in making up the return for special election sheet, he first called the number of votes for JOHNSON as 17 and then corrected this to 12.

Mr. E. C. CATES of Carterville stated that he was the clerk for the election in Precinct 5, and that he kept the tally sheet which showed 17 votes for JOHNSON and which had been changed in total from 17 to 12. He stated this change was made because the tally sheets kept by other individuals showed only 12 for JOHNSON, and when this was called to his attention it was assumed to be wrong and was changed to 12. Mr. CATES was at a loss to explain how this error occurred, but in a signed statement expressed the opinion that 12 votes for JOHNSON was correct inasmuch as the other tally sheets showed this amount; and that, using 12 for JOHNSON and totaling the votes, the amount of votes tallied, 47, agreed with the number of votes cast 49, less two mutilated ballots.

In Precinct # 9 tally sheet in the possession of the County Clerk showed a total of 37 votes tallied against 106 names on the poll list. Precinct 9 is located in Marietta, and Mr. R. J. WOMACK of that town stated that he was the official in charge of the election in that precinct; and, in a signed statement explained to Agent that the total of all votes tallied should have been 106 as there were no mutilated ballots in his precinct, and that the only explanation he could give of this was that the ballots were counted during the election and tallied, but, inasmuch as he did not have enough help to record the tally on all four sheets at once, it was necessary to copy the tally onto those sheets, which were not marked as the votes were called. This was done correctly the first time the calling occurred, but the second time what probably happened was that the additional votes tallied on part of the tally sheets to bring the total up to 106 were not copied onto the other sheets, and thus they showed only 37 votes.

Mr. J. A. PENNY of Marietta, Texas, clerk of voting Precinct # 9, in a signed statement given to Agent stated that he remembered that in tallying the votes two tally sheets were kept at one time and then copied to the other two tally sheets. PENNY pointed out that he remembered copying the results to the other tally sheet the first time they called the votes, but when the additional votes were called at the end of the day, although he distinctly remembers tallying them on the sheet, he does not recall copying them to the other sheets.

A check of the tally sheet in the possession of Mr. WOMACK showed a tally of 106 votes, and those in the possession of the County Judge showed one tally sheet containing 106 tallies and one showing only 37. He mentioned also, the fourth tally sheet, in the possession of the County Clerk, likewise showed only 37 votes. The Return for Special Election Sheet for this particular precinct showed the summary of the vote for the various candidates on a basis of 106 tallied votes.

County Judge S. E. SHAW of Garza County, when asked about having returned late to the County Clerk, produced a letter dated May 17, 1941, from WILLIAM J. LAWSON to the Texas Secretary of State which contained the following paragraphs:

T. J. WILKINSON 7/10/41

10

"The Presiding Judges make their returns to the County Judge on or before the evening of July 1."

In connection with this, Judge GOOLSBY stated that the election judges for the various precincts had until the evening of July 1 to present their returns to the County Clerk; therefore, as all boxes were received by the County Clerk by Monday evening, none of the boxes was late in his opinion.

Concerning whether or not any request had been made of Judge GOOLSBY for results of the election in his county, he stated that Secretary LAMBSON had wired him on Wednesday, July 2, citing some article in the Texas law which required the Commissioners Court to meet on Monday next following the election, and requesting Judge GOOLSBY to submit the results of the election by Wednesday night, July 2. Judge GOOLSBY informed Agent that he contacted Secretary LAMBSON by telephone that evening and pointed out to him that in his letter of May 17, 1941, there was a paragraph instructing him to have the Commissioners Court meet on Monday, July 7, and submit the returns of the election subsequently thereto, and that, therefore, he would be unable to give any returns until after July 7, Monday.

JOE E. EARLY, County Clerk, Cass County, informed Agent that about half of the ballots were received by him on Saturday evening, June 28, and the remainder on Monday, June 30. EARLY made up a list of the various ballot boxes and the date on which they were brought in to him. This list showed that the boxes from Precincts 11, 12, 16 through 20, 23 through 26, 28, 30 were received on Monday, June 30. EARLY also pointed out to Agent that the ballots received were being kept on a shelf in his office. It was noticed that these ballots are in various types of boxes, such as candy boxes, shoe boxes, etc., mostly of the cardboard type. At this point it was suggested to Mr. EARLY that he store and preserve these ballots in accordance with the provisions of the law. EARLY explained to Agent that he did not consider the ballots which came in on Monday as being late inasmuch as it had been the custom of the rural districts to bring in the ballots on the Monday following Saturday elections.

Mr. EARLY pointed out that the only information given out by him concerning the election was what return was available in his office on Sunday night, at which time, on receipt of a telephone call from the STAR TELEGRAM in Fort Worth, he gave them the unofficial results as far as he knew them.

Mr. J. J. ELMS, election officer in Linden, Texas, informed Agent that he turned in the ballots for Precinct 1 shortly after 7 p.m. on the day of the election; that he was able to do this as they had counted the ballots every little while during the process of the election. He said that this counting of ballots during voting time had been done for years by most of the election officials in the county. ELMS further stated that no information concerning the results of the election was given out by him at any time, and no requests for such information had been made.

[REDACTED]
F. J. HILLMAN 7/10/41

It was noted, and called to the attention of both the Clerk and the County Judge, that the envelopes for Precincts 23 contained the ballots for these two precincts, as well as the tally-poll lists, and consequently no ballot boxes for these two precincts have been received by the County Clerk.

P E N D I N G



AR:GEG

Time: 11:00 A.M.

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

July 17, 1941

MEMORANDUM FOR MR. E. A. TAMM

Re: TEXAS ELECTION FRAUD

I called SAC Kitchin at Dallas for the purpose of ascertaining the status of the captioned investigation. He stated that Ben Foster, Special Assistant to the Attorney General, has written a letter which he should receive today authorizing the termination of this investigation.

Mr. Kitchin stated that the reports in this case were forwarded to the Bureau last week, the reports from the Dallas Office having been sent about July 9 or 10 and those from the San Antonio and Houston Offices on the 11th or 12th.

Respectfully,

A. Rosen
A. Rosen

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Dwyer _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Tour Room _____
Mr. Nease _____
Miss Gandy _____

RECORDED

4 JUL 21 1941
U. S. DEPARTMENT OF JUSTICE
FBI
SAID

CH-18

b7E

Election Protest Threatened Today

FORT WORTH, June 30.—
Walter Shedd, local O'Daniel sup-
porter, said today he may protest
the vote in the special election for
United States Senator, on the
grounds that the ballot failed to
distinguish clearly between the
candidates, and penalized the old
folks of Texas.

RECEIVED FOR INFORMATION
EX-117 ATTACHED

ⓧ

Washington, D.C.,
July 9, 1941

Chief, J. K. Haarer,
Federal Bureau of Investigation,
Dept of Justice.

EX-117

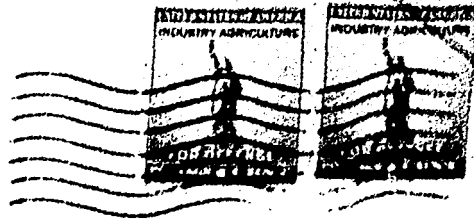
RECORDED & INDEXED

b7E

FEDERAL BUREAU OF INVESTIGATION	
2 JUL 11 1941	U.S. DEPT. OF JUSTICE

Director of FBI - 100-4400

Note the irreconcilable nature of
the rubble which for some time has
barred flour salesman, C. Kaniel.
If he comes here he may surround
the national capitol dome with his
sacks of flour, as he did the elegant
red granite one in Austin. They looked
like grinning white teeth against
the dark back ground. He would
not hesitate to sell the dignity of
the nation for a sack of flour
as cheap as that of Texas. He resents it.
In your investigation do not
fail to obtain an ack by each



Bureau of Investigation
Department of Justice
Washington, D.C.

Pearson Names Witnesses for O'Daniel Probe

Columnist Doubts Texas Will Act on 'Election Practices'

Witnesses who can testify on charges that Gov. W. Lee O'Daniel of Texas violated State and Federal corrupt practices laws by expenditures of \$56,000 in his recent successful campaign for the United States Senate were furnished the Texas Senate Investigating Committee last night by Drew Pearson, co-author of the Washington Merry-go-Round.

Pearson, in a telegram to R. A. Weinert, chairman of the committee, expressed his appreciation for the "considerate invitation" to himself and Robert S. Allen, the other member of the Merry-Go-Round team, to appear before the committee on July 14, and added that they "have no objections at all to appearing."

Evidence at Fingertips

"However," Pearson continued, "having plenty to do up here and before coming to Texas, may I suggest that you first avail yourself of the evidence at your own fingertips, thereby giving some indication that you really mean to get to the bottom of things."

"I understand that your committee has been in existence exactly two years and six months without investigating a single solitary thing. And while flattered that Bob Allen and I finally goaded you into action, may I suggest that as a starter you call Emmett Morse, attorney for the liquor interests, who fortuitously also is a member of your legislature. Also that you call Bob Alexander, who represents the breweries, and Walter Beck of the brewers institute."

"It might be well also for the committee to turn its blazing inquisitorial rays upon why Governor O'Daniel vetoed H.R. 842. I feel sure that at least one member of your committee can give you genuine assistance in this—if he will."

"Bottom of Flour Barrel"

"And if you really want the people of Texas to know the truth I also suggest that you bring to light the testimony before your Senatorial Investigating Committee regarding the gubernatorial primaries of 1940 and ascertain the truth about Governor O'Daniel's campaign expenditures."

"I urge that you determine whether or not it is true that some \$56,000 was spent by or in behalf of O'Daniel though the law permits an expenditure of only \$8,000."

"I think you should really get to the bottom of the flour barrel,

and ascertain how O'Daniel is going to comply with the Federal Corrupt Practices Act which requires the candidate swear to the names of every person who put six bits in the flour barrel."

"Members of the United States Senate here already are intrigued over flour barrel bookkeeping. I feel sure that, in the interest of good government (which I know your committee cherishes most dearly), you will want to probe some of these rumors which reflect somewhat on the political integrity of your own great legislative body."

"If you really want to get to the bottom of things you will be busy yourself for some time with the boys right in Austin before you need to call on nonresidents to police the great Lone Star State."

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Egan _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Tracy _____
Miss Gandy _____

JUL 11 1941

WASHINGTON TIMES-HERALD

Page 5

Mr. Tolson _____
 Mr. E. A. Tamm _____
 Mr. Clegg _____
 Mr. E. G. Clegg _____
 Mr. Ladd _____
 Mr. Glavin _____
 Mr. Nichols _____
 Mr. Rosen _____
 Mr. Carson _____
 Mr. Egan _____
 Mr. Gurnea _____
 Mr. Hendon _____
 Mr. Tracy _____
 Miss Gandy _____

Senate Asked to Probe Texas Senatorial Vote

By THOMAS L. STOKES

Charges of various irregularities in the recent Texas senatorial election—including the alleged "shakedown" of contractors eager for defense projects, and violation of the Hatch "pure politics" law—have now been brought formally before Congress.

A request for a Senate investigation has come from E. B. Germany, chairman of the State Democratic Executive Committee.

The Texas contest attracted wide interest because of the personalities involved and because of the Roosevelt Administration's herculean and almost successful efforts to put over the young New Deal congressman, Rep. Lyndon Johnson.

LOST BY 1000 VOTES

He lost by 1000 votes to Gov. W. Lee O'Daniel, the one-time flour salesman who twice rode to the statehouse at Austin on a wave of pension promises to the aged and the seductive chant of hillbilly music, including the symbolic "Pass the biscuits, Pappy." Among trailers in the race was Rep. Martin Dies, the investigator of subversive activities.

Congressional interest in the election is intensified because the charges and rumors circulating in Texas and thru lobbies and cloakrooms here include not only excessive expenditures but also violation of the Hatch Act—that law which Congress passed, after much stewing and sweating, to stop such political exploitation of Federal agencies and workers as was discovered in the 1938 elections.

CHARGES OF DURESS

Alarming also were the charges of duress in connection with defense contracts, a field that was not available in the 1938 elections.

Charges involving the O'Daniel forces also have been made in the post-election reexaminations.

Mr. Germany's telegram asking an investigation was addressed to Sen. Gillette (D., Ia.), chairman of the now defunct special committee to investigate campaign expenditures. When advised that this committee's authority has expired, the Texas state chairman, who was manager of John N. Garner's presidential campaign in 1940, asked that his request be referred to the "proper committee." His telegram said:

"Because of the various rumors and charges concerning the recent senatorial election in Texas, I, as chairman of the State Democratic Executive Committee, am writing you requesting that you have your committee make a thorough investigation of the campaign expenditures and the conduct of the campaign and election of all candidates and their campaign managers and election officials.

"I am making this request of a similar committee of the Texas Senate."

The latter committee is meeting Monday at Austin to decide whether it will investigate.

JUL 10 1941

JUN 30 1941

The Texas Election

The best of a poor field seems to have won the Texas election for the seat in the United States Senate made vacant by MORRIS SHEPPARD's death.

Ninety-five per cent. of the vote has been tabulated. Not more than 15,000 ballots are unreported. On this basis, LYNDON JOHNSON has a plurality of about 4,500 over the leading runner-up, Governor LEE O'DANIEL.

Pale satisfaction over the success of JOHNSON, a 32-year-old Congressman, is heightened by the defeat of O'DANIEL, who heretofore has sung his way into every office he sought. In private life, O'DANIEL was a flour salesman. He had mastered all the stage tricks attributed to Swiss yodelers and all the salesmanship of a wagon-tail, acetylene-light medicine man in an old-time street carnival. To these accomplishments Mr. O'DANIEL added a smooth radio voice, and in fashioning promises he had a political imagination almost as vivid as HUEY LONG's. Narrowly but definitely O'DANIEL has lost, and when he fell politically, "he fell like LUCIFER, never to hope again."

Attorney General GERALD MANN, who is little known outside his own State, was not a bad third, but Representative MARTIN DIES was a humiliated fourth. His vote of 77,000 was only 46 per cent. that of the winner. This is not devoid of national interest, perhaps of some national importance. JOHNSON had the usual form of Presidential approval—kindly reference

from the White House as "my old friend." DIES over and over has had a frown from Mr. ROOSEVELT, and twice at least (December, 1939, and November, 1940) an open rebuke. This may have hurt the chairman of the House Committee on Un-American Activities. Some will insist, perhaps, that this was much less influential one way or the other, than the self-importance Chairman DIES is alleged to have assumed. As long ago as Feb. 5, 1940, "T. R. B." noted in *The New Republic* that Mr. DIES had succeeded in having his special committee continued, but had received some rather rough treatment during the debate. Said the correspondent: "The fact seems to be . . . that [DIES] is beginning to be considered stuck up. Before the original creation of his committee, Mr. DIES was always in the House cloakroom. . . . Lately he has been occupied with interviews, radio talks, speeches, and when he has come to the House floor at all, has been shrouded in self-conscious dignity." Certainly he exhibited that dignity during the campaign, and exhibited it with a stiff seriousness that did not please voters who had the counter-attraction of O'DANIEL's hillbilly songs and LYNDON JOHNSON's New Deal deliverance. Of course, now that Mr. DIES has been denied promotion to the upper house, he will concentrate more actively than ever on his Red-hunt; but he may suffer a certain impairment of prestige and may feel a wane of public interest in his work

EDGAR HOOVER'S round-up, yesterday of alleged spies, and the confusion of Communists because of the break in the Moscow-Berlin entente, may mean that OTHELLO's occupation, if not gone, is a bit hampered.

Besides the four we have named, there were twenty-one minor candidates for the Senate seat. Perhaps Texas is big enough to endure that many aspirants and rich enough to pay for including their names on the ballot. It may be well to let every ambitious citizen think that he has a Senator's credentials in his coat-pocket. At the same time, we must not forget that this is an era of over-candid photography, when picture magazines with millions of circulation proclaim the weaknesses along with the excellencies of men and of States. One recent broadside presentation of the Texas candidates was distinctly bad advertising for the Lone Star State. Several of the aspirants looked as if they belong not in the Senate but in an asylum. Perhaps they did.

Would the representative system be too much affronted by a requirement that a candidate for a major office present a petition signed by a number of voters sufficient to demonstrate that he is to be taken seriously? We put this as a question, rather than as a proposal, because the recklessness some Americans display in signing petitions would serve less to establish the sanity of a candidate than to put their own in doubt.

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.
July 3, 1941

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Egan _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Tour Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Goshin _____
Miss Gandy _____

AE: DMP
Time 5:30 P.M.

MEMORANDUM FOR MR. E. A. TAMM

I called SAC Kitchen in Dallas telling him we have received authorization from Mr. McGuire in the Department to go ahead with the election investigation in Texas. I told Mr. Kitchen Mr. McGuire indicated that Ben Foster, who has been designated to handle the case, has some information which can be investigated and that we should go ahead on the matter. I also told Mr. Kitchen that in making the investigation we want to be the ones to conduct the investigation and not get into any set-up which would result in our acting in the capacity of messengers for Foster and the U. S. Attorney's Office there. b7E

Mr. Kitchen stated there are no facts in this matter on which to base an investigation, that he has just talked with Foster and U. S. Attorney Eastus and they have a list of approximately seventeen counties in which O'Daniels beat Johnson. Their plan of action is that the Bureau is to step in immediately inasmuch as the returns are forwarded to Houston next Monday. They desire that any errors be corrected before the returns are forwarded to Houston. They have in mind a conspiracy violation but all the information they have in this regard is the names of five individuals, leading state politicians, who allegedly met in a hotel in Houston and from that point made calls to politicians in the seventeen counties, telling them to switch their votes from Congressman Dies to O'Daniels and that they would see that everything came out all right. This is merely hearsay, however.

Mr. Kitchen pointed out that the Bureau will be subject to criticism by entering this matter before the returns are sent to Houston as it will appear we are trying to help Johnson win the election.

About all it is desired that our Agents do is to talk to the election clerks, officials, et cetera, and question them as to any violations. This of course will result in newspaper publicity. Foster and Eastus feel that by our making an appearance at the various places, the officials and clerks will be frightened into making correct returns if they have been counting disqualified ballots, et cetera. Mr. Kitchen

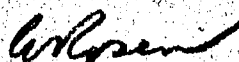
Memo for Mr. E. A. Tamm

- 2 -

July 3, 1941

will go ahead on this in view of Mr. McGuire's authorization. I told Mr. Kitchin to secure from Foster a written statement outlining just what he wants done.

Respectfully,



A. ROSEN

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

July 3, 1941

JAB'BJS

MEMORANDUM FOR MR. ROSEN

At 4:25 P. M. on July 3, 1941, while the writer was sitting on your desk, a telephone call was directed to your office from SAC Kitchin, of the Dallas Office. Mr. Kitchin stated that he desired to be advised as to whether any authority had been given by the Department concerning an investigation under Election Law violations pertaining to the Senatorial Election recently held in Texas.

He stated that United States Attorney Clyde Eastus, of Dallas, had informed him that a representative from either the office of the United States Attorney at San Antonio, or a representative of the Department had come to Dallas from San Antonio for the purpose of discussing this matter with the United States Attorney's office in Dallas. He stated that United States Attorney Eastus had indicated that authorization for an investigation in this matter was to be given the Bureau by the Department. SAC Kitchin related that he had informed United States Attorney Eastus that no such authority had been received.

He further related that he had received a call shortly prior to instant conversation from United States Attorney Eastus, stating that the representative from San Antonio was in the office of Mr. Eastus at that time and he desired that Mr. Kitchin go to his office for discussing the matter if he, Mr. Kitchin, was able to get away.

Mr. Kitchin stated that he was going to the office of United States Attorney Eastus in accordance with his request. However, in view of the fact that no authorization had been received as yet, he was not committing himself one way or another. He advised that this matter had previously been discussed telephonically by Special Agent Z. J. Van Landingham and Special Agent E. C. Wenig, of the Dallas Office, at which time Agent Wenig had been advised that in the event

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Keady _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Your Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Basham _____
Miss Gandy _____

RECORDED



3 JUL 9 1941

U.S. DEPARTMENT OF JUSTICE

CH-17

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b7E

Memorandum for Mr. Rosen

-2-

any inquiries were made by the press, there was to be no comment. He requested that this matter be brought to your attention and added that he would telephonically communicate with you around 5:00 P. M. or 5:15 P. M. today.

Respectfully,

J. A. Bernard
J. A. Bernard

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Gandy _____

AR:GEG

July 3, 1941

Time: 11:00 A.M.

MEMORANDUM FOR MR. E. A. TAMM

Mr. Matthew McGuire called, advising that he is sending to the Bureau a memorandum containing allegations of Joe Hill, a Texas State Senator, concerning an election fraud in Texas. Mr. McGuire requested that the Bureau check into the matter, particularly in those areas in which it is indicated that irregularities have occurred, as soon as possible. He asked that the investigation be most discreet and that great care be exercised in order that no publicity whatsoever will result.

Respectfully,

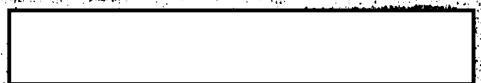
A. Rosen

A. Rosen

CH-17

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INDEXED



FEDERAL BUREAU OF INVESTIGATION

JUL 6 1941

U.S. DEPARTMENT OF JUSTICE

EXAM

b7E

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **DALLAS, TEXAS.**

FILE NO.

b7E

REPORT MADE AT SAN ANTONIO, TEXAS.	DATE WHEN MADE 7/5/41.	PERIOD FOR WHICH MADE 7/4/41.	REPORT MADE BY JOHN F. HAY B.M.
TITLE ALLEGED ELECTION IRREGULARITIES - SENATORIAL ELECTION, June 28, 1941 - STATE OF TEXAS.			CHARACTER OF CASE ELECTION FRAUD.

SYNOPSIS OF FACTS:

Inquiry at Driskill and Stephen F. Austin Hotels, Austin, Texas, revealed COKE R. STEVENSON, W. W. HEATH, and O. P. LOCKHART, had not been registered during June 28, 29, or 30th, 1941. Driskill Hotel records show WALTER BECK resides there permanently, with a private telephone.

- R U C -

REFERENCE:

Letter Dallas to San Antonio dated 7/3/41.

DETAILS:

AT AUSTIN, TEXAS.

At the Driskill Hotel, Austin, Texas the writer contacted Mr. J. C. HARRIS, Auditor, who upon a search of his records, advised that Mr. WALTER BECK, Manager of the Texas Brewers Institute, resided at the hotel in room 907, and that he had a private telephone in the room; that consequently his calls could not be checked at the office, and there was no record of such on the hotel register.

At the Stephen F. Austin Hotel, Mr. LEE HUBBY, Manager advised upon a check of his records that none of the above mentioned individuals, i.e., STEVENSON, HEATH, LOCKHART or BECK had been registered there during June 28, 29 or 30, 1941 and that he had no records of any calls having been made by any of them from the hotel.

APPROVED AND FORWARDED

[Handwritten signature]

[Redacted box]

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JUL 7 1941

CH-13

The correct address of the aforementioned
are as follows:

COKE R. STEVENSON, Capital, Telephone 8-2710
(Lt. Governor)

WALTER H. BECK, Driskill Hotel, Telephone 25238

OMICRON P. LOCKHART, 3408 Duval, Telephone 23669
(Lockharts' Federal Bakery & Cafe) 811 Congress,
Tel. 83461.

W. W. HEATH, 2305 Hartford, Telephone 24027.
(Attorney) Brown Bld'g., Tel. 82561.

- REFERRED UPON COMPLETION TO OFFICE OF ORIGIN *

FBI Reported Planning Probe of O'Daniel Election

President to Name Alien Property Custodian, Pearson and Allen Say

An investigation will be conducted by the Department of Justice into the recent Texas election of Governor Lee O'Daniel today, it was predicted last night by Drew Pearson and Robert S. Allen.

The co-authors of the Washington Merry-Go-Round, which appears daily in The Times-Herald, declared in their weekly broadcast that 15 Texas State senators and brewery and liquor interests in the State met last week and decided to "get O'Daniel out of the State."

Decision Today

"For two days after that no one in Texas knew who had won the election — O'Daniel or Lyndon Johnson," Pearson said. "Finally it was announced that O'Daniel had won with a scant margin of 1,095 votes. Tomorrow the election board meets in Dallas to pass on this unofficial count and decide who was nominated to the U. S. Senate.

"I predict that if O'Daniel is pronounced the victor the Department of Justice will send G-men to Texas to investigate alleged irregularities in the senatorial election," Pearson said.

To Take Over Patents

Allen, asserting that President Roosevelt soon will appoint a custodian of alien property in the United States, predicted that German and Italian patents will be taken over by the Federal Government and turned over to American industry for use in the national defense program.

Earlier, Allen announced that Wendell Willkie will soon go to the Pacific Coast to stage giant mass meetings to combat the recent rallies of Charles A. Lindbergh.

"Before Willkie carries the fight to the West Coast," Allen said, "he will first preside over a giant fight for Freedom meeting in Madison Square Garden on July 21 where the guest speaker will be Miss Ellen Wilkinson, noted British labor leader, and member of parliament."

Seen Sayre Resignation

The resignation of Francis Sayre, U. S. High Commissioner in the Philippines, was forecast by Pearson. President Manuel Quezon has sent President Roosevelt a confidential cable, he said, in which he names five men, any one of whom he would like to have as

high commissioner in Manila. They are Admiral Harry Yarnell, former Commander of the Asiatic Fleet; Gen. Douglas MacArthur; Gen. Frank McCoy; James Cromwell, and Gen. Frank Parker.

Commenting on the European situation, Pearson predicted that after August 15 the French navy will undertake to patrol the Mediterranean between the shores of Africa and France—even firing upon their former ally, Great Britain.

Seeks to Repair Ships

"I predict that it soon will be revealed that the French Navy is working desperately in Mediterranean ports to repair its warships. I think the fleet will cooperate with Italy in the patrol of the Mediterranean in order to transport troops across the sea to the vital war area in Africa," he said.

Recalling that Moe Annenberg, publisher of the Philadelphia Inquirer, the Racing Form, the Morning Telegraph and other publications, was sentenced to three years imprisonment for failure to pay his income tax last year, Allen predicted that at the end of this month, or early August, Annenberg will be released from Lewis and Clark Penitentiary on parole after serving one year.

Mr. Tolson ☒
Mr. E. A. Tamm ☒
Mr. Clegg ☐
Mr. Foxworth ☐
Mr. Ladd ☐
Mr. Glavin ☐
Mr. Nichols ☒
Mr. Rosen ☒
Mr. Carson ☐
Mr. Grayson ☐
Mr. Quinn Tamm ☐
Mr. Hendon ☐
Mr. Tracy ☐
Miss Gandy ☐

JUL 7 1941

JOHN EDGAR HOOVER
DIRECTOR



Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Coffey _____
Mr. Harbo _____
Tele. Room _____
Tour Room _____
Mr. Nease _____
Mr. Tracy _____
Miss Beahm _____
Miss Gandy _____

EAT:WK

June 30, 1941

5:20 PM

MEMORANDUM FOR THE DIRECTOR

Handwritten: Judge Holtzoff
Judge Holtzoff called me and stated that Mr. McGuire had asked, due to the fact that the Texas Senatorial election is very close and there will be requests for FBI help in this election, that the Special Agents in Charge of the FBI Offices in Texas be instructed, in case they receive inquiries as to whether or not the FBI is investigating the election, that they have no comment to make in this regard. I advised him that the Special Agents in Charge in Texas would be instructed in accordance with Mr. McGuire's request.

Respectfully,

Handwritten signature of Edward A. Tamm
Edward A. Tamm

Handwritten: Done, Director, E. A. Tamm

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FEDERAL BUREAU OF INVESTIGATION	
6	JUL 3 1941
U.S. DEPARTMENT OF JUSTICE	

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT **DALLAS, TEXAS**

FILE #

b7E

REPORT MADE AT SAN ANTONIO, TEXAS	DATE WHEN MADE 7/10/41	PERIOD FOR WHICH MADE 7/7, 8, 9/41	REPORT MADE BY JOHN F. HAY JFH:JB
TITLE ALLEGED ELECTION IRREGULARITIES SENATORIAL ELECTION, June 28, 1941 STATE OF TEXAS			CHARACTER OF CASE ELECTION FRAUD

SYNOPSIS OF FACTS:

Several late boxes in Coryell and Bosque Counties satisfactorily explained and following discrepancies noted. In Coryell County Precinct #32, The Flat, Texas, votes of JOHNSON and MANN correctly shown on tally sheet but transposed on one official return sheet and placed thus on official register. Election officials advised correct number of votes for each candidate but that if mistake had been made, it had been made un-intentionally. Precinct #5, Pearl, Texas, showed 101 votes on poll list and 102 votes actually counted. Official advised that he recalled confusion at one time during counting process and that this probably accounted for extra vote. In Bosque County, one tally sheet from Precinct #1, Meridian, shows discrepancies in tally column with total vote but other tally sheets correctly filled out and correct total listed on return sheet. In both counties poll taxes paid exceeded number of votes. Investigation Milam County, Texas does not reflect any irregularities in election held June 28, 1941. Several presiding Judges interviewed and all deny receiving any telephone calls or inquiries as to election returns prior to closing of polls or subsequent thereto. Only 1 box delinquent at Sharpe, Texas, Precinct #29, but total number of votes reported by memorandum to

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FORWARDED

[Signature]

DO NOT WRITE IN THESE SPACES

INDEXED

JUL 11 1941

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- 1 Bureau
- 3 Houston (1 Spec. Asst. AG, HENRY F. FOSTER)
- 3 Dallas
- 3 San Antonio

JUL 15 1941

SYNOPSIS (CONT'D)

County Clerk tallied with voters in that precinct after being canvassed by election authorities at County seat. Telephone Manager C. C. BARDSHAW unable to ascertain any incoming long-distance telephone calls to election officials, Milam County, as no record kept as to paid calls; practically impossible to trace outgoing long distance calls inasmuch as name or telephone number not secured.

- RUC -

REFERENCE:

Letter from Dallas Field Division to San Antonio Field Division dated 7/3/41.

DETAILS:

The following investigation was conducted by Special Agent JOHN F. HAY at GATESVILLE, TEXAS, Coryell County:

Agent interviewed County Judge FLOYD ZIEGLER and County Clerk ALVIE WILBUR ELLIS. Both of these individuals advised that they had not been aware of any irregularities whatever in the election on June 28 but that they were of the opinion that the election went off a great deal smoother than any election they had ever had. In regard to boxes coming in late they advised that the following boxes had been brought in on Monday morning, June 30, 1941:

Precinct # 21, Copperas Cove
 Precinct # 31, The Flat
 Precinct # 33, Cave Creek
 Precinct # 18, Hurst Springs
 Precinct # 7, Evant
 Precinct # 6, Harmon
 Precinct # 26, Hillsdale
 Precinct # 8, Elijah

With regard to the above boxes being brought in late the Judge advised that most of them had telephoned the results in on Saturday night and that the reason they had not been brought in was that some of them were in the outlying districts and that the roads were not so good and that it was not unusual at all that these boxes remain out until Monday morning before they were brought in. He also

advised that the count that had come in with these boxes did not in any way vary from the unofficial returns which had been sent in by some of the boxes on Saturday night and Sunday. He advised that there was a total of 33 boxes in Coryell County and that as far as he knew there had been no boxes to give out information with regard to returns until after the close of the polls. The poll tax list in the County Assessor's Office revealed that there were 2,430 paid poll taxes in Coryell County, however, this list did not include those over 60 years of age who were entitled to vote free. The total number of votes counted in the election in Coryell County was 2,425. In no case was it noted that the vote in the 8 boxes was larger than the poll tax list in the County Assessor's Office.

These officials advised that they had heard from the various officials that there had been a large number of spoiled ballots thrown out and that they did not know of any instances where any of these ballots had been counted. Both of these officials advised that they had received no telephone calls from anyone with reference to the holding up of any of the returns.

An examination was made of the tally sheets, poll list and official returns of all 33 boxes in Coryell County and in Precinct #32, The Flat, it was noticed that the tally sheet in the envelope of the County Judge and the tally sheet in the envelope of the County Clerk listed LYNDON JOHNSON as having received 13 votes and GERALD O. MANN as having received 6 votes. The official return sheet in the envelope of the County Judge, which was handwritten, listed JOHNSON as having received 13 votes and MANN as having received 6 votes, however, the return sheet in the envelope of the County Clerk listed JOHNSON as having received 6 votes and MANN as having received 13 votes. Mr. ALVIN W. ELLIS, County Clerk, advised that he had copied the votes on this second return sheet in his official election minutes and that this was the vote that had been tabulated from The Flat. A statement to that effect was secured from Mr. ELLIS and is being forwarded to the Dallas Field Office.

Mr. M. W. CARROLL, The Flat, Texas, who was the presiding judge of Precinct # 32 was interviewed by Agent and upon being asked the number of votes the respective candidates received he gave the correct totals as shown on the tally sheets and upon

being requested to explain how the votes of JOHNSON and MANN had been transposed on this official return sheet, he advised that it was a mistake and that he could not recall having made such a mistake but that if it had been listed as giving MANN 13 votes and JOHNSON 6 votes, it was wrong and should be remedied. He advised that C. T. HUMPHRIES, Superintendent of Schools at The Flat had helped him hold the election and had also helped him make out some of the return sheets.

C. T. HUMPHRIES was interviewed and he advised that he helped make out the return sheets but that he could not understand how the votes of MANN and JOHNSON had been so transposed but that JOHNSON received 13 votes and MANN received 6 and that if these votes had been transposed it should be corrected. An examination of the tally sheets and poll lists of Precinct # 5, Pearl, reflected that there were 101 votes polled and a total of 102 votes actually counted. Mr. O. A. KELLY, presiding judge of this precinct was interviewed and he advised that this was a mistake because there were only 101 votes polled and that he recalled an incident which might account for the extra vote and that this incident happened during the closing minutes of the election. He stated that while he and W. A. SHOOK were counting the ballots that a voter came in and he gave him a ballot and that when he turned around SHOOK stated "well, that's a tally." and KELLY told SHOOK that he did not think so since he did not believe he had given him the other vote. He stated that SHOOK insisted that he had given him a tally and that he said, "Well, that's alright then." KELLY stated he did not remember which candidate received this extra vote but that it was a mistake and that he would like to see it corrected. He advised that it was a mistake of the head and not of the heart, inasmuch as he, nor Mr. SHOOK either would intentionally show any incorrect returns of the vote cast.

An examination of the envelope containing the returns from Precinct # 7, Evans, showed that there was a total of 61 votes polled with 56 votes counted. There was also in this envelope a list containing 53 names of people who voted without their poll tax receipts.

County Judge ZIEGLER advised that the 2,425 votes polled was a rather light vote inasmuch as he would consider the voting strength of the county to be around 3,000, counting the paid poll taxes and those over 60 years of age.

AT MERIDIAN, TEXAS, Bosque County

County Judge HUGH JACK CURETON, Jr and County Clerk OLIN ALFRED HARDWICK were interviewed and they advised that there had been no irregularities that they knew of in the election in Bosque County. They advised that there were two late boxes, these being Precinct # 6, Eulogy, and Precinct # 11, Roswell, both of which boxes came in on Monday and that it was not unusual at all for these boxes to be late inasmuch as they were in outlying districts and there were no telephone connections so that the results could be called in. He advised that all of the other boxes had made returns by Saturday night and that the complete returns of the election held in Bosque County had been called in to the Secretary of State by 2:30 PM On Monday, June 30, 1941.

There was a total of 2,397 votes cast, 2,181 votes actually counted and 3,244 paid poll taxes in Bosque County. An examination of the material of Precinct #1, Meridian, in the County Clerk's election envelope reflected as follows: the official return sheet listed GERALD O. MANN as having received 110 votes and GOVERNOR W. LEE O'DANIEL as having received 84 votes. An examination of the tally sheet, however, showed an actual count of the votes of MANN to be 109 votes and an actual count of the votes of O'DANIEL reflected a total of 81 votes in the tally columns relating to MANN. A tally had been missed in the third column, thus leaving a count of only 4 noted of 5 and 3 votes had been missed in the tenth column of the votes of O'DANIEL, leaving only 2 votes in this square, where there should have been 5. An examination of the tally sheet, however, in the envelope of the County Judge and the envelope of W. V. ODLE, who was the presiding judge in this poll, revealed that the tallies kept on these two sheets corresponded to the total vote set out above. The official count in Bosque county was made up from the material in the envelope of County Judge.

Mr. H. D. WINTZ, who composed the above incorrect tally sheet was interviewed and he advised that he could not account for the discrepancy in the tally inasmuch as his tally sheet was only a copy made from the tally sheet composed by Mr. ODLE and had been made by him from tallies called out by those composing the other sheets and that he evidently just skipped these tallies in these columns, however, his totals showed the same as the totals of the other two tally sheets and the totals on the official return.

He stated that this was purely un-intentional on his part and that if it could be corrected he wanted it corrected.

An examination of the material in the envelope of Precinct # 13, Valley Mills, Texas, showed that there were 288 votes polled and 288 votes actually counted. Mr. C. A. SMITH, presiding judge at this box was interviewed and he advised that he knew that no mutilated ballots had been counted inasmuch as he and one ALBERT JONES, a member of the State Legislature had counted the ballots and that he knew of two ballots that had been cast out because of the following reasons: One was cast out because the voter had left more than one name on the ticket and the other was cast out because an individual voted without a poll tax. He advised that he had been holding elections in Valley Mills for 15 to 20 years and that he had never had any irregularities happen at any of his elections and that all of his records were open to inspection any time that an inspection was desired.

In various other boxes in Bosque County there were large numbers of votes thrown out because they had been mutilated and it was explained that these votes had been thrown out mainly because the people who had voted the tickets had left more than one name on them and hence, they could not be counted.

In Box #15, Clifton, there were 375 votes polled, 318 votes actually counted and the register of ballots defaced showed that 57 ballots had been thrown out because they were mutilated.

In Precinct #1, Meridian, there were 365 votes polled, 313 votes counted, 52 votes thrown out because they were incorrectly voted or mutilated.

Mr. W. V. ODLE, Judge of this election advised that these votes had been thrown out because they were incorrectly voted. An examination of all of the tally sheets in Bosque and Coryell Counties revealed no other irregularities than those set out. None of the tally sheets showed signs of having been tampered with.

AT CAMERON, TEXAS

The following investigation was conducted by
Special Agent J. C. WHITE.

Agent was unable to contact JEFF B. KEMP,
County Judge, Milan County due to his absence in Washington,
D. C. at this time and would not return for approximately
two weeks.

Agent then contacted NORMAN BARBOUR, County
Clerk, who stated that insofar as he knew there were
no irregularities in the Senatorial election held on
June 28, 1941 in Milan County, Texas; he did state too,
that he was absent from Cameron, Texas and was in
Canada at the time of the election and did not return
to Cameron until July 1, 1941; that all 48 voting
precincts sent their ballot boxes to the County seat
soon after the close of the election on the night of
June 28, 1941 with the exception of the Box at Sharpe,
Texas, Precinct #29, J. P. FENTH, Presiding Judge; that
this box did not arrive at the County seat until July
1, 1941 and was in the custody of EARL TAYLOR, who is the
son-in-law of Presiding Judge FENTH. BARBOUR stated
that FENTH did send in a memorandum containing all
information on his precinct, and that after checking
the number of votes tallied on his memorandum, also
tallied with those listed on the tally sheet submitted
with the ballot box. This tally sheet disclosed that
in Sharpe, Texas, Precinct #29, there were 89 votes
tallied and 84 counted. 5 were mutilated due to the
fact that these 5 voters did not understand clearly
that only one name of a Candidate was to be left on
the ballot. The poll-tax list of the number of voters
in this Precinct is 109, therefore there were not more
votes counted than there are voters in the Precinct,
and which appear on the poll tax list. It was ascer-
tained that this box had been taken personally by
EARL TAYLOR to be delivered to Mr. BARBOUR the night of
June 28, but inasmuch as Mr. BARBOUR was out of the
city, this box was not delivered until the following
Tuesday. Mr. BARBOUR stated that there were only 4 Precincts

in his district of which he had any suspicions, due to some minor irregularities which were perpetrated in previous elections. These precincts according to Mr. HANSEN are as follows:

Bushdale - Precinct #25 - Presiding Judge
AUGUST GRINDL

Gay Hill - Precinct #21 - Presiding Judge
EARL DODD

Manover - Precinct #13 - Presiding Judge
C. M. FINDER

Thornedale - Precinct #7 - Presiding Judge
TOM SEARS

Agent examined the poll list and tally sheet on all of these voting precincts and was unable to find an erasure which had been made thereon. The total number of votes cast in all four above named precincts was less than the number of voters as reflected on the poll tax lists.

In Bushdale there were 61 votes cast; 60 were counted and 1 mutilated.

In Gay Hill there were 61 votes cast; 57 were counted and 4 mutilated.

In Manover there were 35 votes cast; 31 were counted and 4 mutilated.

In Thornedale there were 227 votes cast; 199 were counted and 28 mutilated. In this district there were, according to the poll tax list, 253 paid and 3 exemption poll taxes which makes a total of 256 voters in the precinct.

Agent examined the poll list, tally sheet, and could not find any signs of an erasure having been made. Agent also examined the poll list and tally

district of Milam, Precinct #11, Presiding Judge J. D. PHILLIPS, and the poll list and tally sheet showed 137 votes cast; 117 counted and 20 mutilated. The poll tax list for Milam showed a total of 207 poll taxes paid with 2 exemptions which made a total of 209 voters in the District.

Agent examined all of the 48 voting precincts' poll lists and tally sheets, and could detect no errors or anything which appeared to be irregular thereon. In all cases the poll tax lists in each precinct showed that there were more voters in said precinct than actual votes cast during the election.

Agent succeeded in getting in touch with 3 of the Presiding Judges, they being:

- (1) A. E. MATULA, Presiding Judge of Cameron, County, Precinct #1.

MATULA stated that there was no irregularities in his precinct; that there were no mutilated votes in his ballot box, and that the ballot box was delivered to the County Clerk at 9 P.M. on June 28, 1941, two hours after the polls closed; that no one called him or came in person to see him inquiring about the election, and that no irregularities were noted during the time the polls were open, or subsequent thereto.

- (2) HENRY FLYNN, Presiding Judge, North Cameron, Precinct #22.

FLYNN was interviewed by Agent at which time he, FLYNN stated that in his precinct there were 333 votes cast; 17 of these were mutilated; that his poll list showed 117 paid poll taxes. He, FLYNN further stated that no person called upon him, or approached him during voting hours, or subsequent thereto, inquiring about the election; and that his voting box was carried into the County seat at about 8 P.M. June 28, 1941.

FLINN stated that during the time the voting was going on, and after the poll had closed, that he had not noticed anything which would appear to be out of the ordinary, and nothing which looked like an irregularity was noted.

(3) OTTO STUMPK, Presiding Judge, Elm Ridge, Precinct #5, Cameron.

STUMPK advised Agent upon interview that he, STUMPK had noted no irregularities in his precinct during the time the poll was open, or subsequent thereto that in this precinct there were 55 votes cast and none nullified. The poll was held in this precinct disclosure that there are 64 poll taxes in the District and one exemption. STUMPK further stated that no person contacted him either telephonically or in person inquiring how the election was going, and he again reiterated that he had noted nothing out of the ordinary at the poll during voting hours, or subsequent thereto on election day, June 26, 1941.

Mr. ROBERT KARDING, County Clerk advised Agent that the three above named Presiding Judges were of excellent reputation, and no irregularities had ever been noted in any previous elections held in their respective Precincts.

KARDING further stated that during election years, Milam County usually polls an average of some 7000 votes, but this year being "an off year" there was not so many votes cast as usual. KARDING advised that many of the voters in the County failed to obtain poll taxes for voting purposes this year, that the Milam County vote is canvassed by County Judge JIM H. EMM, County Commissioner B. H. HAMILTON, County Commissioner B. J. STIMMEL, County Commissioner E. L. HOGGREN, and County Commissioner E. G. STELLARD; the canvass is also attended by KARDING himself, as County Clerk.

KARDING advised that all votes cast in Milam County were tabulated and immediately sent to the election

headquarters in Austin, Texas. During the canvassing of the returns in Milam County, HADGINS advised that he had noted no irregularities whatever.

Agent contacted Mrs. KATHERINE NECKMAN, Telephone operator, Cameron, Texas and she advised that there was no way of checking the incoming or outgoing long distance telephone calls without the name or the telephone number having been listed. She advised that Mr. G. C. BRADSHAW, Temple, Texas was the Manager of the telephone Company, and that possibly he could furnish some information on the subject.

Mr. G. C. BRADSHAW, Manager of the Cameron Telephone Company was contacted by Agent at which time he, Mr. BRADSHAW stated that it was impossible to trace incoming long distance telephone calls into the election headquarters and precincts in Milam County, especially he stated, if these calls were paid calls. It was also practically impossible to trace the outgoing calls for the same reason as stated above, and BRADSHAW stated that unless the Telephone company was furnished with at least the name or telephone number of the party making the call, that it was useless to try to check the calls that might have come into the election precincts on June 28, 1941, election day.

BRADSHAW stated that he was exceedingly willing to cooperate to the fullest with this Bureau, and advised that if he could be furnished with the names or telephone numbers of some of the parties who placed either incoming or outgoing calls, that he could then make the desired check as to just what calls were placed from, or received at the voting polls on June 28, 1941.

Mr. BRADSHAW again reiterated that he would be very happy to assist this Bureau in any way possible and wishes to be called upon in the event it is possible for him to render assistance. He stated that in the event names or telephone numbers are furnished, that he will be glad to make a check of all calls, long distance or otherwise, that were placed from the Precincts on election day.

ENCLOSURE: TO DALLAS FIELD DIVISION:

Signed Statement of
ALVIE WILBUR ELLIS, County
Clerk of Coryell County, Gatesville,
Texas relative to examination of
tally sheets, official return sheets,
and unofficial return sheets dealing
with the votes cast in Coryell County,
Texas in the election June 28, 1941.

- REFERRED UPON COMPLETION TO THE DIVISION OF ORIGIN -

**Federal Bureau of Investigation
United States Department of Justice**

DALLAS, TEXAS

July 8, 1941

~~PERSONAL AND CONFIDENTIAL~~

Director
Federal Bureau of Investigation
Washington, D. C.

Re: ALLEGED ELECTION IRREGULARITIES,
SENATORIAL ELECTION, June 28, 1941
STATE OF TEXAS - ELECTION FRAUD

Dear Sir:

This is to confirm the writer's telephone conversation with Mr. ROSEN concerning this investigation and concerning the request made of this Bureau on the part of BEN F. FOSTER, Acting United States Attorney at San Antonio, who has been designated a Special Assistant Attorney General to handle the investigation of this case.

Mr. FOSTER'S attitude has been that of cooperation. He personally voiced the opinion that this investigation would require considerable work in a very short period of time to comply with the request of Washington, and that he realized the position that he was placing this Bureau in when requesting an investigation of this nature. He willingly submitted the memorandum of instructions concerning his request for inquiries to be made by Agents of this Bureau, and advised the writer that he realized the futility in making this so-called 'fishing expedition' wherein no specific violations have been pointed out, and that the investigation is based largely, if not in its entirety, on unusual results from the various counties mentioned in his memorandum to the writer wherein he requested investigation.

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INDEXED

For your confidential information, as I explained to Mr. ROSEN, it appears that the purpose of the immediate investigation was to endeavor to have the certifications made by the various clerks of the counties mentioned to the Secretary of State at Austin prepared so as to reflect accurately the returns from these counties, going under the assumption that should irregularities have occurred in these counties the certifications would correct the final vote as certified to by the respective county clerks; thus, in the writer's opinion, endeavoring to pick up as many votes for candidate LYNDON JOHNSON as possible. It is noted that in the memorandum submitted

DIRECTOR

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to the writer by Mr. FOSTER, he mentions the fact that in view of the short period of time in which this Bureau has to make the investigation, he desired that Agents appear in each county and concentrate their inquiries in the form of interviews with the various county clerks and county judges, they being the officers who make the returns to the Secretary of State.

As I explained to Mr. ROSEN, no inquiries other than the specific requests made in the memorandum submitted to the writer by Mr. FOSTER were made by the various Agents assigned to this investigation, and they were instructed to abide strictly by the request of Mr. FOSTER and not to go outside their scope of authority.

Very truly yours



A. P. KITCHIN
Special Agent in Charge

APK:MH

FEDERAL BUREAU OF INVESTIGATION

Origin: DALLAS, TEXAS		File No. 	
Made at: HOUSTON, TEXAS	Date: 7- 12-41	Period: 7-8-9-41	Made by: GEORGE N. DENTON JC
Title: ALLEGED IRREGULARITIES UNITED STATES SENATORIAL ELECTION, STATE OF TEXAS JUNE 28, 1941			Character: ELECTION LAWS

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Synopsis:

Election officials in Jasper, Liberty, and San Augustine Counties advised all election returns submitted to proper authorities within seventy-two hours. Also no information disseminated regarding election before close of polls with exception of Precinct No. 6, Jasper County, which furnished information to Texas Election Bureau representative about four P.M. election day. Records disclosed 208 illegally marked ballots in Liberty County and 181 in San Augustine County but none of these counted in official returns, according to election officials. Three illegally marked ballots counted in Precinct No. 3 and several, exact number unknown, counted in Precinct No. 7, Jasper County. Investigation of long distance toll records reveals nothing of apparent pertinence. No purposeful irregularities noted during investigation.

-RUC-

Reference: Report of Special Agent GEORGE N. DENTON, dated July 8, 1941, at Houston, Texas.

Details: Under date of July 7, 1941, at Houston, Texas, Mr. BEN F. FOSTER, Special Assistant to the Attorney General, submitted a memorandum to Special Agent in Charge, A. P. KITCHIN, of the Dallas Field Division, and which is set out in its entirety as follows:

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Approved <i>RJ</i> Special Agent in Charge	<div style="border: 1px solid black; width: 100px; height: 30px; margin: 0 auto;"></div>
Copies: ③ - Bureau 5 - Houston 2 - Dallas 2 - San Antonio (1 - BEN F. FOSTER, Special Asst. to Attorney General)	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; position: relative;"> <div style="position: absolute; top: 5px; left: 5px;">JUL 14 1941</div> <div style="position: absolute; bottom: 5px; right: 5px;"><i>mtc</i></div> </div>

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"I refer to my memorandum dated July 3, 1941, addressed to you, and request that you, Mr. ABBATICCHIO, and the Special Agent in Charge at San Antonio assign Special Agents to inquire into alleged irregularities concerning the recent Senatorial election in the following additional counties:

Jasper	San Augustine
Liberty	Bosque
Coryell	Mills .
Comanche	Milam

"Comanche and Mills counties are in the Dallas Field Division; Bosque, Coryell, and Milam, in the San Antonio Field Division, and Liberty, Jasper, and San Augustine counties are in the Houston Field Division.

"The inquiry should be directed along the lines set out in my memorandum dated July 3, 1941. However, you are further requested to instruct each Special Agent to request of the long-distance telephone operators in each community he visits a list of incoming and outgoing long-distance calls on the dates June 28th, 29th, and 30th. In this connection, it is my understanding that the telephone operators in these small communities may not require a subpoena or other process; however, should they refuse to give you the information requested without a subpoena or court order, no attempt should be made to secure the same. The name of the person calling and the person called, and other pertinent information should be secured on each long-distance call, where possible.

"Please communicate with the Special Agents in Charge at Houston and San Antonio and request that inquiry in the counties within their field divisions be begun in the morning if possible, and -- completed as soon as practicable.

"I have talked with several of the agents who have made investigations in the counties previously given you and generally the type of information they have received is that desired."

The Following investigation was conducted in Jasper County, Texas by Special Agent WILLIAM NEWMAN III on July 8 and 9, 1941.

Mrs. EUNICE N. HENDERSON, Postmaster, Jasper, Texas Post Office was interviewed in her office on July 8th. She stated at that time that the recent special election for United States senator had been conducted in the usual routine manner without any irregularities or unusual results so far as she had heard or had been able to observe. She advised in the past gubernatorial election O'DANIEL had carried the county by an overwhelming majority while in the special senatorial election, DIES was the victor by a large majority with O'DANIEL gaining a decisive second. She pointed out that DIES had a country home in Jasper County and was well known by the majority of its residents. She further advised that there were no "organized" political groups, or professional electioneering in Jasper County; it being the type of place where people went to the polls to vote as they thought best and would take great offense at anyone suggesting they vote another way, or anyone tampering with their privilege of voting.

Mrs. HENDERSON stated that W. O. STRINGER is the County Judge and is the type of man she believed would be fair in regard to elections though in the past he had been prominent in a scandal about fraudulent expenditures about county funds which was taken to court but later dismissed. She stated she did not like Judge STRINGER personally or approve of all of his acts, but did feel that he would command justice and propriety in an election. She further stated that N. B. HART is the County Clerk.

GERTIE SMITH, Manager of the Jasper Office of the S. W. Bell Telephone Company, advised when interviewed at her office on July 8th that it would be impossible under any circumstances for her to reveal any information about long distance telephone calls made on June 28, 29, and 30th through her office even though it would be kept completely confidential.

THELMA LANIER, personal secretary of County Judge W. O. STRINGER, was interviewed on July 8th in her office at the county court house when she advised that Judge STRINGER had gone out of town and would not return until about July 14th. She stated he had gone on personal business, namely to get a new ambulance for his undertaking parlor. When interviewed a second time on July 9th, she stated that she personally had mailed the election returns to Austin on Monday, June 30th at Judge STRINGER'S request. She further advised she had been in his office all day Saturday, June 29th until about 6 p.m. and also during her usual working day Monday from about 9 in the morning to 5 in the afternoon. On these two days she stated that no long distance calls had been made or received by Judge STRINGER or anyone connected with the senatorial election. She also stated that all of the returns from the 19 county precincts were in by 9 o'clock Monday morning at which time she received the final two boxes from election officials in their respective precincts.

She also stated that no election results had been received by Judge STRINGER'S office up to the time she left on Saturday hence none could have been given out by that office.

She also stated that to the best of her knowledge there had been no suggestion at any time that any of the returns be held up either from the individual boxes or from the office of County Judge, nor had she heard of any irregularities in connection with the election and felt certain that Jasper County would never have any irregularities because the people would not tolerate such a thing.

H. B. HART, Jasper County Clerk, was interviewed in his office at the court house on July 8th at which time he advised that he knew of nothing irregular or contrary to the election laws of the State of Texas which could have occurred in the senatorial election held on June 28th.

He pointed out that most of the precincts brought their boxes and properly sealed envelopes into the court house the evening of the 28th and that a few did not come in until Sunday or early Monday. He stated that he was certain that

no one had been requested to hold up the returns from their boxes nor had anyone given out any returns prior to closing the polls at 7 p.m. He advised that in the county of Jasper there were nineteen precincts and that no supervisors or challengers had been recommended or requested for the special election. He ventured the opinion that this would indicate that the people fully trusted the election officials and that in his opinion no irregularities would ever occur in Jasper in a matter so sacred as an election.

Mr. HART stated that every precinct had returned the tally sheets, poll lists, and some of the other election forms to his office in sealed envelopes and after reaching his office, according to law, they were opened for public inspection. He thereupon exhibited the respective forms from each precinct to the writer for his perusal. The statistics on these forms together with other statistics gathered through contacts with the individual precinct officials are set forth on the following table:

STATISTICAL SUMMARY OF SPECIAL U. S. SENATORIAL ELECTIONS FOR
JASPER COUNTY, TEXAS

Precincts	Qualified Voters Listed	Voters Given Ballots	Votes Counted	Muti- lated Ballots	Dies Votes	John son Votes	Mann Votes	O'Dan- iel Votes	Other Votes	Erasures on Forms
#1 ALDRIDGE	20	10	11	?(d)	5	4	0	2	0	0
#2 EBENEZER	16	14	12	2(d)	8	1	1	2	0	0
#3 BROWDELL	23	40	40	3(a)	11	1	1	26	1	0
#4 PEACHTREE	41	47	44	3	16	6	1	20	1	0
#5 HARRISBURG	13	14	14	?(d)	3	0	0	11	0	0
#6 JASPER	808	730	726	?(b)	386	86	69	184	1	0
#7 HOLLYSPRINGS	34	30	30	?(c)	20	0	0	10	0	0
#8 BEECH GROVE	42	43	43	0	33	1	0	9	0	0

Precincts	Qualified Voters Listed	Voters Given Ballots	Votes Counted	Muti- lated Ballots	Dies Votes	John son Votes	Mann Votes	O'Dan iel Votes	Other Votes	Era- sures on Forms
#9 BESS MAY	39	40	40	0	17	2	6	15	0	0
#10 CALL JUNCTION	46	40	39	1	16	3	3	16	1	0
#11 ERIN	45	36	36	0	10	0	1	25	0	0
#12 ROGANVILLE	64	51	50	?(d)	33	3	0	14	0	0
#13 MAGNOLIA SPRINGS	150	104	103	1	46	9	9	37	2	0
#14 KIRBYVILLE	357	370	296	74	143	35	30	88	0	0
#15 BUNA	168	202	179	23	91	8	8	71	1	0
#16 CHERRY GROVE	20	26	26	0	11	0	0	15	0	0
#17 EVADALE	35	35	31	4	10	4	0	17	0	0
#18 HOMER	19	15	13	?(d)	8	1	0	4	0	0
#19 PICKLEVILLE	56	47	45	2	28	5	0	12	0	0
TOTALS	1,996	1,894	1,775	113	895	169	129	578	5	0

- (a) Only Democratic party scratched but ballots counted -- 2
DIES and 1 O'DANIEL.
- (b) Four were called mutilated. Several others with only Democratic
candidates scratched were counted.
- (c) Where only Democratic candidates were scratched, ballot was still
counted. Not known how many were so counted.
- (d) Precincts not contacted.

* * *

Mr. HART stated when interviewed again on July 9th that J. M. RATCLIFF was in no way connected with the office of county judge, or with the special senatorial election. Also he pointed out that in so far as he

knew Judge STRINGER had no assistants to aid him in correlating the county votes other than the Commissioner's Court. Mr. HART also said that the negro vote was even smaller than usual in Jasper County, and he was certain they had not been organized or instructed to vote in this election for any specific candidate.

The records of the County Clerk's office disclosed that the following persons served as judges in their respective precincts in the special senatorial election. These precincts were not contacted by the writer:

PRECINCT #1 - ALDRIDGE

B. F. DUBOSE
A. B. HAMILTON

PRECINCT #2 - EBENEZER

Mrs. H. W. DEAN
T. W. BYERLY

PRECINCT #5 - HARRISBURG

F. F. HARRIS
L. G. SHIVER

PRECINCT #12 - ROGANVILLE

J. B. BETHANY
R. E. BROACH

PRECINCT #18 - HOMER

J. W. MILNER
W. W. ELLIS

It should be noted that the above five precincts submitted a total of 104 votes out of the 1,777 votes cast in the special senatorial election.

B. L. BRYANT, Presiding Judge of Precinct #3, Browndoll, Texas, was interviewed on July 8th at his home. He advised at that time that about twenty-three of the voters in the recent special senatorial election had paid their poll taxes while the rest numbering about seventeen were over age and had exemption certificates.

He stated that no information was given out at any time by himself or other election officials to his knowledge regarding the votes cast prior to 7 p.m. when the polls were closed. Furthermore, he pointed out that none of the officials had received or made any long distance telephone calls, nor had they been requested at any time to hold up the returns from Precinct #3.

He also stated that the precinct was able to finish the count and fill out all the forms at 7 p.m. June 28th and he personally returned the locked box with all the forms to County Judge STRINGER about 8 p.m. on the 28th.

He said he had received no complaints about the way the election was run and he is satisfied there were no irregularities whatsoever. He pointed out that in three cases those who voted failed to scratch out the Republican, Independent, and Communist candidates, and that those votes had been counted. Later he said he heard they should not have been counted, that he did it in good faith, and they can be found in the locked box should a recount occur.

He pointed out that one of the votes was his own, another vote was that of another election official, and that of the three votes he believed two were for DIES and one for O'DANIEL.

Mr. BRYANT said an unusual number of negroes appeared to vote, and that he feels possibly if any fraud or irregularity occurred in connection with the election it might be through solicitation of the negro vote because they appeared to have been instructed for whom to vote when they appeared at the polls. He gave as example the fact they came in bunches and though they could not read nor write made such comments as, "I want to vote for the man," and also that "WES knew who they wanted to vote for." The election officials responded that they did not know who "the man" was and that WES had nothing to do with the election. They would have to do their own voting without aid from anyone. Mr. BRYANT pointed out that WES is an old negro whom they seemed to look to for advice.

They also said that all the negro vote went for O'DANIEL but that Mr. BRYANT's opinion is that they had been instructed to vote for O'DANIEL because O'DANIEL had been instrumental in getting more old age pension money for the negroes and it would seem only right for them to band together in his favor.

R. B. KELLEY, election clerk Precinct #3, was interviewed at his store at Browndell, Texas on July 8th when he advised the vote in his precinct was carried on without any irregularities, that no information was given out regarding the count prior to closing the polls; that no one had been contacted by long distance telephone nor had anyone made calls during the election. None of the officials had been requested to hold up the returns from their boxes and that the only possible grounds for criticism would arise in tallying the ballots because in the three cases where more than one name was left not scratched, the votes were included, inasmuch as the voters had taken the trouble to scratch all but one Democratic candidate.

He also stated there had been comment among the election officials about the number of old negroes who had turned out to vote though they could not read nor write. He said they were determined to vote for O'DANIEL but he felt this could be explained by the stand O'DANIEL took on old age pensions.

CLARA TOWNSEND, election clerk at Precinct #3, was interviewed at her home in Browndell, Texas on July 8th and advised that she observed no irregularities of any type in the recent special election for senator except that three ballots were counted which in her opinion should possibly have been set aside as spoiled ballots. She pointed out that they were scratched properly in the Democratic column but that the other candidates had not been scratched out. She said these were carefully put in the box so if there was ever cause to recheck, they could be found and counted again, or cast out as should be proper. She said that in her knowledge neither herself nor any of the other officials had talked over the telephone during the election, nor had any request been made that the election results be held

up and not immediately sent to Jasper, nor had any information been given out while the polls were open.

She also stated that an unusual number of the old negroes in the precinct had come to vote and she felt it was due to the recent increase O'DANIEL had made in the old age pension law and not because they had been specially instructed by any outsider. She said that she did not feel it would be worth the time or trouble because there were so few negroes in that precinct.

B. A. TESTON, presiding judge of Precinct #4, was interviewed at his home in Peachtree, Texas on July 9th. He advised that there had been no irregularities at the special senatorial election on June 28th. He pointed out that no one complained they were mistreated at the election and he was certain all the votes had been properly counted.

He stated no information had been given out while the polls were open by himself or other election officials to the best of his knowledge. He further stated that no one talked over the telephone while the polls were open; that he did not believe there had been any request or suggestion that the returns be held up and not immediately sent to Jasper following the election. He also stated that where every name on the ballot except one had not been scratched out, the ballot was considered spoiled and as a result three could not be counted.

They finished counting the ballots and filling out all the forms a few minutes after 7 p.m. on the 28th and Mr. TESTON stated he personally took the box to the office of the Jasper County Judge where he left it. He mentioned that Judge STRINGER was not present at the time but that his assistant, Mr. CHAPMAN who is in charge of Judge STRINGER'S undertaking parlor in Jasper, who was being assisted by J. V. RATCLIFF, editor of the local newspaper, was there. He stated that RATCLIFF was opening the sealed envelopes as they came in and noting the returns from the respective precincts. Mr. TESTON concluded by stating that the officials helping him in the election and he himself tried to be very careful in tabulating the vote and felt sure that any investigation would substantiate the results of their own count.

WALTER P. SMITH, presiding judge of Precinct #6, was interviewed at his office in Jasper, Texas on July 8th. He stated at the time that to the best of his knowledge, there were no irregularities or any misconduct of any type in the recent special election for senator. He stated that in the Jasper precinct the first count indicated that a number of the ballots had the Democratic ticket properly marked, but that the voters failed to scratch off the candidates for the other three parties. He stated after that time he had two of the election officials, A. L. BLACK, and T. B. LAMIER, do nothing but warn the voters to be sure to scratch out every name except the one for whom they desired to vote. He stated this resulted in the remainder of the votes being correctly scratched. Mr. SMITH said about thirteen ballots were mutilated in that they were improperly scratched and that five others or thereabouts had to be set aside because of other defacing.

Mr. SMITH stated that possibly about twenty out of the vote of 730 in the Jasper precinct were denied their vote because they had not paid their poll tax, all of whom went off satisfied that the proper decision had been made and without any grudge or disagreement.

He advised that during the day none of the election officials had made or received any long distance calls or had they been requested to the best of his knowledge to hold up returning the count which was completed by a few minutes after 7 p.m., boxes locked by himself, and taken downstairs to the office of the County Judge.

Mr. SMITH stated that about 4 p.m. in the afternoon J. M. RATCLIFF, editor of the Jasper News-Boy, the weekly paper for Jasper, Texas approached him and stated he was the designated agent for the Texas Election Bureau at Austin, Texas and supposed to collect the count tabulated up to that time for the election bureau which count Mr. SMITH gave to RATCLIFF. He stated that other than this, which he assumed to be permissible, he had given out no results whatsoever until after the polls were closed.

MARQUIS WALTERS, Assistant Judge at Precinct #6, was interviewed at his home in Jasper, Texas on July 8th. He advised that he went to work at the polls at 12 noon and tabulated ballots until the count was finished shortly after 7 p.m. on the 28th of June. He stated that a number of the ballots had been counted where all of the Democrats except one had been scratched out but on which the other parties were left unscratched. These in his opinion were improperly marked and they totaled some ten or twelve votes. Some four or five other ballots he stated were improperly scratched for other reasons and were considered mutilated ballots and not counted. He pointed out in his opinion no information had been given out regarding the results as long as the polls were open except to the editor of the local newspaper to whom the count was given about 4 p.m. on June 28th. Furthermore, to the best of his knowledge, no election official received or made any long distance telephone calls nor had they been requested to hold up returning their count after they finished, nor had any other irregularities occurred in the election.

T. B. LANIER, Assistant Judge Precinct #6, was interviewed at his wife's beauty parlor at Jasper on July 9th at which time he advised that so far as he knew, none of the election officials had received or made any long distance calls or had been required at any time to hold up returning the count nor had given out any information regarding the election results while the polls were open. He said in his opinion the votes had been thrown out where they were not properly scratched, and he had been delegated to spend all his time cautioning those who came to vote to scratch out all of the names on the ballots except the one for whom they intended to vote. He pointed out that the election clerk by the name of WARD MARKLEY was under twenty-one and as a result had no poll tax receipt. He stated in his opinion MARKLEY had been illegally officiating at the election, but that he knew such was not intentionally done in an irregular manner, and MARKLEY was very careful in carrying out his services, tallying the votes correctly.

Mrs. A. L. BLACK was interviewed at her home in Jasper and advised Mr. A. L. BLACK, assistant judge, Precinct #6 in the special senatorial election held June 28th, was at Hot

Springs for his health and would not return to Jasper until about the 22nd of July.

The following persons were interviewed at their homes and in their respective precincts:

Precinct #8, Beech Grove, Texas.

(L. E. WILSON, presiding judge could not be interviewed.

Mrs. L. E. WILSON advised he had departed for Bronson, Texas and she did not know for sure when he would return.)

G. W. PERKINS, Assistant Judge.

Precinct #9, Boss May, Texas.

W. P. PEVITO, Presiding and only Judge.

Precinct #11, Erin, Texas.

(Presiding Judge BEN ROHER was not interviewed inasmuch as his wife advised that he was out of town and she was not sure where he could be reached or when he would return.)

Mrs. R. C. MORGAN, Election Clerk

Mrs. JOE NEWMAN, Election Clerk

Precinct #16, Cherry Grove, Texas.

R. J. GANDY, Presiding Judge

A. R. RATCLIFF, Assistant Judge

The above set forth parties advised without exception to the best of their knowledge in regard to their respective precincts that in no case had any information regarding the election count been given out while the polls were open and that none of the election officials had received or made long distance calls at any time on June 28th; that no one had been approached to hold up the respective precinct returns; that in every case all the ballots were counted and forms filled out by a few minutes after 7 p.m. on the day of the election; that in no instance had any ballot been received where more than one name on the ballot remained not scratched, nor had there been any irregularity, fraud, or misconduct connected with the election in their respective precincts. They all state the negro vote was very small, if any, and in Precincts 8, 9, and 11, the presiding judges returned the locked boxes and

properly sealed envelopes to the county judge's office in Jasper immediately after closing the polls on June 28th. All of the above when interviewed stated they had acted in good faith in the election and were sure that nothing improper had arisen in their precincts.

In Precinct #16, R. G. GANDY, presiding judge, stated he had taken special envelopes and locked boxes for the precinct to TOM BARKER, county commissioner at Buna, Texas, on Sunday morning. He stated it was customary for him to keep everything in his custody until handing them over to Mr. BARKER, who following each election had to go to the county seat and aid as a member of the Commissioner's Court in counting the votes. Mr. BARKER always took the boxes and envelopes for the precincts in and around Buna into his custody and took them to Jasper as was done, according to Mr. GANDY, in the special election for senator held June 28th.

ERNEST ENER, presiding judge of Precinct #7 at Holly Springs, Texas was interviewed at his home on July 9th. He advised at this time that he gave out no information regarding results of the special senatorial election, nor had he made or received any long distance calls or had been requested to hold up the count of his precinct, or had done anything irregular in connection with the election in his precinct.

He further advised he was certain the same was true for the other officials in Precinct #7. Mr. ENER stated that he understood it was all right to count votes where every Democratic candidate except one had been scratched out even though on that ballot the other three parties had not been defaced. He stated there were not very many ballots marked in that manner, but that they were counted along with those where every one except one on the entire ballot had been scratched. He stated he closed the polls right at 7 p.m. on the 28th when they were ready to finish the count and complete the filling in of the forms after which he personally took the box to Jasper and delivered it to the county judge's office where the boxes were being received officially.

He stated that there was no negro vote in his precinct and that he was of the opinion that no one had tried to influence the vote of others or do anything improper in connection with the election.

J. C. HOFFMAN, assistant judge, G. C. LEWIS, presiding judge, and his wife, a clerk, all in Precinct #10 at Call Junction, Texas, were individually interviewed at their homes on July 9th. They all stated that to the best of their knowledge neither they nor other officials in Precinct 10 had given out any information regarding the results of the election during the day nor had any made or received long distance telephone calls, or been requested to hold up returning the count from their precinct.

They stated the count had been finished right at 7 o'clock when they closed the polls and that the box properly locked together with the sealed envelopes had been immediately taken by Mr. and Mrs. G. C. LEWIS to the county judge's office at Jasper, Texas where everything was given to H. M. RATCLIFF, who appeared to be acting in an official capacity receiving the election results.

They also stated that of the forty votes cast, one could not be counted because only the Democratic candidates had been scratched from the ballot with one exception while the other three parties' candidates had not been scratched. Other than this single improperly marked ballot, which was considered spoiled, and not counted, all the votes were properly marked and counted in the opinion of the officials above set forth, and they advised no irregularities or misconduct occurred in Precinct #10 so far as they knew.

C. C. KELLEY, assistant judge, and LOUIS WITHERS, clerk, both in Precinct #13 at Magnolia Springs, were interviewed at their respective homes on July 9th. They stated at this time that to the best of their knowledge, none of the election officials in their precinct had given out any information while the polls were open regarding the results of the senatorial election, nor had anyone made

any long distance calls, or been requested to hold up the returns for their boxes. They stated the count had been completed by a few minutes after 7 p.m. on the 28th and that the box had been properly locked, and taken into custody by the presiding judge R. T. SMITH together with the sealed envelopes. They stated Mr. SMITH retained everything in his possession until Monday morning when he delivered them to the office of the county judge in Jasper, Texas. They further stated that one ballot was spoiled among the 104 ballots which were marked. It was spoiled because two of the Democrats were left unchecked though everything else on the ballot had been properly defaced. They pointed out that everyone had been cautioned to scratch out every name on the ballot except the one for whom they desired to cast their vote. As a result no one omitted to scratch out the parties for whom they did not care to vote.

They stated they were quite certain no irregularities had occurred in their precinct, and that should anyone ever consider or try to do anything improper, he would be severely criticized by anyone who discovered it in the precinct, and he felt certain no one would even consider such a thing.

J. D. LICKLINE, presiding judge, ALTON L. CAIN, clerk, and Mrs. EVELYN WILSON, clerk, all of Precinct #14 at Kirbyville, Texas were individually interviewed at their place of business at Kirbyville State Bank. They respectively advised that neither they nor any of the election officials gave out any information regarding the election results until after the polls had closed; that they made or received no long distance calls while the polls were opened, and they advised no request at any time to hold up the returns from their box was made, and they were very careful to see the election was conducted properly and in their opinions, no irregularities or frauds of any nature occurred in the election.

They each pointed out that 71 votes had to be rejected as spoiled because the voters failed to scratch out any candidates except on the Democratic ticket.

Furthermore, they pointed out they considered three ballots mutilated because of the improper marking which occurred in them. They also stated that all of the ballots were counted, and the forms filled out by a few minutes after 7 p.m. on June 28th.

Mr. J. D. WICKLINE stated he personally telephoned the results of the election to Judge STRINGER'S office at Jasper at about twenty minutes after 7 p.m. and then proceeded to Jasper personally and waited at Judge STRINGER'S office until he returned late in the evening on June 28th when he gave the boxes and sealed envelopes to the judge in person.

ROBERT CURTINGS, assistant judge, Precinct #15 at Bama, Texas, was interviewed at his home on July 9th. He advised that in Bama so far as he knew none of the election officials had given out any election information at all while the polls were open, nor had they made or received any long distance calls, or been requested by anyone to hold up returns after the election. He stated all the ballots and the proper forms had been counted and filled out by a few minutes after 7 p.m. on June 28th. He pointed out that a little more than twenty votes were considered spoiled because they were improperly scratched, and none of the names marked out except those on the Democratic ticket. He further stated that none of the ballots were mutilated in any other manner, and they were very careful to consider every ballot spoiled which was improperly scratched. He stated that the presiding judge AMOS WALTERS took the locked box and properly sealed envelopes into his custody when they finished the counting and tabulation shortly after 7 p.m. and stated he was going to take it to Judge STRINGER'S office in Jasper personally on Monday morning, which was done so far as Mr. CURTINGS knows.

S. C. DUBOSE, presiding judge for Precinct #17 at Eva Dale, Texas, was interviewed at his home on July 9th at which time he advised that in his precinct out of the

thirty-five votes cast only thirty-one could be counted the other four being considered mutilated because they were improperly scratched. He stated the election officials in his precinct were very careful to see the ballots were all properly scratched before counting them, and he was sure none of the officials had given out any information while the polls were open, nor had they received or made any long distance telephone calls, or been requested to hold up any of the returns of their boxes.

He further stated he was certain no irregularities or any type of fraud had occurred in this precinct. A short time after seven p.m. he telephoned in the result of his precinct to Judge STRINGER'S office as he had been requested, and immediately afterwards, still on Saturday evening of the 28th, he took the election box which had been properly locked, together with the sealed envelopes to TOM BAKER, County Commissioner, residing at Buna, Texas in whose custody he left them.

He stated it was customary for the precinct judges around Buna to take the boxes to BAKER unless they wanted to make a special trip to Jasper, the county seat, because BAKER had to go to Jasper to help tabulate the final results from the tally sheets on Monday.

SMITH THOMASSON, presiding judge of Precinct #19, at Pickleville, Texas, was interviewed on July 9th while he was working along a trail in the back country of Jasper County. He stated at that time that of the forty-seven votes cast in Precinct #19, two could not be counted because they were improperly scratched, one having left two Democracies unscratched, and the other having failed to scratch any party except those on the Democratic ticket.

He pointed out the officials had been very careful to see every name except one had been scratched out and no votes were counted except where they were properly made. He also stated none of the officials to the best of his knowledge had given out any information regarding the results

of the election until after the polls had closed; that no one had received or made any long distance calls during the day, and no one had a suggestion or been requested to hold up the returns from his precinct. He further advised that shortly after 7 p.m. on the evening of the 28th, they finishing counting and tabulating the votes and after locking and sealing the envelopes properly, he took ~~every-~~thing directly to the county judge himself and at about 8 p.m. that evening, left it in the county judge's office at Jasper where J. M. RATCLIFF opened the envelopes and looked over the results noted on the forms therein.

Mr. THOMSSON stated that RATCLIFF seemed to be acting in an official capacity inasmuch as other boxes and envelopes were being turned in at the office, and RATCLIFF was noting the results in all of them. Mr. THOMSSON said no fraud or improprieties had arisen in the Pickloville precinct.

In addition to the above investigation, the writer conducted the following investigation on July 9th at Newton, Texas which is located in Newton County:

Mrs. SID TEELER, Manager of the Tri-States Telephone Company office at Newton, Texas, was interviewed at her office and advised that she would be unable to give the writer any information regarding the long distance telephone calls made through that office on June 28, 29, and 30th. She stated, however, that thought she would not be able to give writer the specific information she could tell writer definitely that while she herself was handling the calls which went through during the day time on each of the above dates, no call either arrived from or went to anyone at Austin, Texas or Dallas, Texas and that neither the county judge, nor the county clerk, nor any of the election officials received or made any long distance telephone calls on those days. She pointed out that in those specific cases, she would remember if any calls had gone through.

She also stated that another records of the calls would be kept at the central office of the Tri-States Telephone Company at Corsicana, Texas but she doubted that any information could be obtained in that office.

HOUSTON

The following investigation was conducted by Special Agent DAVID E. MAAS on July 8, and 9, 1941, in San Augustine, Texas.

On July 8, 1941, contact was had with Miss ATHENIAR WADE, post master, San Augustine. Miss WADE stated that no irregularities as to the conducting of the election and no discrepancies in the count had come to her attention. She provided the list of the following county officials:

County Judge	R. N. STRIPLING
Sheriff	E. H. MARSHALL
County Clerk	CECIL MURPHY
Commissioners	E. A. WOODS
	Chinquapin
	M. B. WOODS
	Broaddus
	WILLIAM DONAHUE
	Denning
	M. D. MASON
	San Augustine

On July 8, 1941, contact was had with Sheriff E. HOYT MARSHALL, San Augustine County. Sheriff MARSHALL advised that he had just returned to San Augustine County from a three months stay in Washington, D. C., during which time he had attended the National Police Academy, as sponsored by the Federal Bureau of Investigation. He indicated that he had not been present during the conducting of the recent senatorial election, but that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention. It was further indicated that the past history of elections conducted in San Augustine County would indicate that there had been little, if any, irregularities or discrepancies in those elections. According to Sheriff MARSHALL his Chief Deputy Sheriff JAMES HALBERT was left in charge of the office during the time Sheriff MARSHALL was in Washington, D. C., and during the time of the senatorial election. He further indicated that the Sheriff's Office played only a small part in the actual conduct of the election by reason of the fact that the County Judge and County Clerk had assumed the duties of delivering ballot boxes and all necessary papers to the voting precincts, and after the election handled the collecting and storing of the same. The Sheriff advised that this procedure was followed because it was the desire of the County Judge and County Clerk, and that he had not wished to override them in the matter.

On July 8, 1941, Deputy Sheriff JAMES HALBERT was interviewed, and he stated that no irregularities in the conduct of the election, and no discrepancies in the count had been brought to his attention.

HOUSTON

He indicated that he had received no calls or requests to delay the count, or to delay delivery of the ballot boxes, and that to his knowledge no effort had been made in San Augustine County to carry on any irregular election activities.

Deputy Sheriff HALBERT advised that THOMAS ROBERTS, SR., was Presiding Judge for Precinct No. 1, San Augustine, Texas. On July 8, 1941, contact was had with THOMAS ROBERTS, Sr., Presiding Judge, Precinct No. 1, San Augustine, Texas, who advised that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention. Mr. ROBERTS recalled offhand that approximately 800 votes had been cast in his precinct, and that there were 122 mutilated ballots. He explained that these ballots were not properly marked by the voters so as to cross off all names except the name of the candidate for whom they desired to vote. ROBERTS stated that these mutilated ballots were not counted. He further indicated that no difficulties were encountered during the conduct of the election, except that one Negro woman had insisted on voting her husband's ballot. However, he explained that he straightened this matter out in a few minutes. According to ROBERTS, the count of the votes was finished by 7:20 P.M., election night. The ballots, all the tally sheets, and necessary papers were kept by ROBERTS in his possession at his home until Monday morning, June 30, 1941, when he delivered them to County Judge R. N. STRIPLING.

ROBERTS further stated that he had received no calls or requests to delay the counting, or to delay the delivery of the ballot boxes. He was assisted in the conduct of the voting at his precinct by Assistant Judges J. W. RICHEY, and THOMAS I. MATHEWS, and Clerks, Mrs. FRED ROBERTS, Mrs. B. B. CARTWRIGHT, and Mrs. JOHN BURROWS. ROBERTS explained that two assistant judges were necessary because there had also been a special vote on county road bonds.

County Commissioner M. D. MASON, San Augustine, was interviewed on July 8, 1941, and he stated that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention. He stated that there are only eleven precincts in San Augustine County, and that voting at this particular election was small. He placed the total number of votes at approximately 1,200. MASON indicated that he had heard nothing concerning any calls, or requests, to any of the election officials with reference to delaying the count. The votes were canvassed by the County Commissioners, and the County Judge on Tuesday, July 1, 1941, and MASON advised that no difficulties were encountered, that the tallies checked correctly, and that nothing out of the way appeared at that time.

HOUSTON

County Judge E. N. STRIPLING, San Augustine, Texas, was interviewed on July 9, 1941, and he stated that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention. According to Judge STRIPLING, the ballots were canvassed by himself and the County Commissioners on Tuesday, July 1, 1941, and all tally sheets were found to be correct. He further stated that ballot boxes had been properly handled by the Presiding Judges in the precincts in that they were presently in the possession of County Clerk CECIL MURPHY, along with sealed envelopes containing tally sheets and returns. He indicated that he had received no calls or requests to delay the count.

HOYT ALFORD, Deputy County Clerk, San Augustine, was interviewed on July 9, 1941, in the absence of County Clerk CECIL MURPHY. ALFORD advised that he had assisted in the conduct of the recent senatorial election, and that no irregularities in the conduct, and no discrepancies in the count had come to his attention. However, he stated that it had struck him as peculiar that the San Augustine precinct had had so many mutilated ballots, whereas the smaller precincts did not seem to have their proportionate number of mutilated ballots. ALFORD provided the following list of presiding judges in the voting precincts of San Augustine County:

Precinct No.	Presiding Judge	Place
1	THOMAS B. ROBERTS, Sr.	San Augustine
2	C. D. McSWAIN	Camp Worth
3.	ED BRADBURY	Denning
4	JOSEPH WALL	Attoyac
5	H. E. WOODS	Broadus
6	IVEY LEWIS	Chinquapin
7	W. P. DUBOSE	Logville
8	O. L. EAKIN	McCune
9	J. B. HICKMAN	Massey
10	J. L. BRYANT	Lucas
11	C. F. KENNON	Harmony

ALFORD stated that the ballot boxes and envelopes were locked up, and that County Clerk CECIL MURPHY had the key to the vault in which they were locked. ALFORD displayed unofficial records which he had kept of the election, and a list of mutilated ballots for each precinct, which is set out as follows:

HOUSTON

PLACE	TOTAL VOTES CAST	NUMBER OF MUTILATED VOTES
San Augustine	737	122
Denning	154	7
Camp Worth	42	0
Attoyac	40	10
Broaddus	93	12
Chinquapin	115	19
Logville	25	0
McCune	62	2
Massey	44	7
Lucas	61	0
Harmony	83	2

ALFORD also displayed records of the total vote, by precincts for each candidate, which he had personally prepared during the canvass. It is set out as follows with regards as to vote polled for the four leading candidates:

San Augustine	O'DANIEL	118
	JOHNSON	75
	DIES	322
	MANN	70
Camp Worth	O'DANIEL	5
	JOHNSON	8
	DIES	27
	MANN	1
Denning	O'DANIEL	67
	JOHNSON	6
	DIES	68
	MANN	1
Attoyac	O'DANIEL	7
	JOHNSON	2
	DIES	18
	MANN	2
Broaddus	O'DANIEL	12
	JOHNSON	4
	DIES	65
	MANN	0
Chinquapin	O'DANIEL	40
	JOHNSON	7
	DIES	43
	MANN	2

HOUSTON

Logville	O'DANIEL	15
	JOHNSON	1
	DIES	6
	MANN	0
McCune	O'DANIEL	15
	JOHNSON	3
	DIES	39
	MANN	3
Massey	O'DANIEL	13
	JOHNSON	2
	DIES	17
	MANN	1
Lucas	O'DANIEL	44
	JOHNSON	2
	DIES	12
	MANN	1
Harmony	O'DANIEL	11
	JOHNSON	2
	DIES	66
	MANN	2

It should be noted that records in the County Clerk's Office appeared to be in a state of disarray, and ALFORD encountered difficulty in locating even the above unofficial records.

On July 9, 1941, contact was had with W. H. FUSSEL, Jr., Deputy Tax Collector, and he was requested to advise the reporting agent of the total number of voters in San Augustine County, who had either paid their poll tax, or were exempt from the payment of same, and were qualified to vote in the recent senatorial election. FUSSEL stated that he had made up a list of the same, and had totaled them, but that he had given the list to County Clerk CECIL MURPHY. FUSSEL and reporting agent went to County Clerk MURPHY's office, but the list could not be located there. FUSSEL checked his county records and displayed the record for January, 1941, which indicated that during that month 1,580 voters had paid their poll taxes. He stated also that poll taxes had been paid during October, November, and December, 1940, but that he did not have a record of the number at hand.

ED BRADBURY, Presiding Judge Precinct No. 3, Denning, Texas, was interviewed on July 9, 1941, and he stated that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention, and further that he had received no calls, or requests, to delay delivery of the ballot boxes. According to BRADBURY, the count in

HOUSTON

his precinct was finished at 7:00 P.M. on election night, and he then personally delivered ballot box and all tally sheets to the County Clerk's Office. He stated that approximately 150 votes were cast in his precinct, and that to his recollection there were no mutilated ballots. He stated that returns were not given out to anyone until after the completion of the count when they were then given to local newspaper men. BRADBURY was assisted by BERNARD WALL, assistant judge, and MARIE BRADBURY, and ALMA PEARL WATSON, clerks.

W. P. DUBOSE, Presiding Judge, Precinct No. 7, Logville, Texas, was interviewed on July 9, 1941, and stated that no irregularities in the conduct of the election, and no discrepancies in the count had come to his attention, and further, that he had received no calls or requests to delay the count, or to delay delivery of the ballot boxes. DUBOSE advised that 24 votes were cast in his precinct, and that they were distributed among the candidates as follows: W. LEE O'DANIEL, 15; MARTIN DIES, 6; SUE MORRIS, 2; and W. W. KING, 1. According to DUBOSE the count was finished at 7:00 P.M., and the ballot box and tally sheets were kept in his possession until Monday when they were delivered to the County Clerk. Returns were not given out until completion of the count. He stated that he was assisted in the conduct of the election by BRANK POWELL, assistant judge, and A. P. POWELL and A. J. COLEMAN, clerks.

Mrs. LENA R. ARNOLD, chief telephone operator, San Augustine, Texas, was contacted on July 9, 1941, in an effort to obtain information concerning any longdistance telephone calls that might have been received in San Augustine on June 28, 29, and 30, 1941. Mrs. ARNOLD stated that she had no record of incoming longdistance telephone calls, and that she could not presently recall any that were received on those dates because of the large number of calls which she handles. She stated that with reference to outgoing longdistance calls, Agent should contact L. L. HILL, District Commerce Manager, Telephone Company, at Nacogdoches, Texas. Mrs. ARNOLD got HILL on the telephone, and he advised that it was his desire to cooperate with Agents of the Bureau, but that it would be impossible for him to provide any information on calls going out of San Augustine, because the tickets which are made out by the operators are sent each day to the accounting office in Houston, Texas, and a record is not maintained in the office at San Augustine, or at Nacogdoches. While returning to Houston from San Augustine, on July 9, 1941, reporting Agent contacted Mrs. A. L. GORDON, Chief Operator for the Telephone Company, at Woodville, Tyler County, Texas. Effort was made to develop any information concerning incoming, or outgoing longdistance calls on June 28, 29, and 30, 1941, with negative results.

It should be noted that effort was made to locate and interview M. E. WOODS, Presiding Judge, of Precinct No. 5, Broadus, Texas, at Warren, Texas, where he was supposed to be employed in constructing a house, with negative results.

The following investigation was conducted by Special Agent NORMAN N. BRAND on July 8, 1941 at Groveton, Trinity County, Texas.

MRS. GEORGE WILBORN, telephone operator, advised that she had no authority to allow an inspection of long distance telephone calls to and from Groveton on June 28, 29 and 30, 1941. She stated that permission would have to be forthcoming from MR. ANDREW F. ERSKINE Local Manager of the Southwestern Bell Telephone Company for Trinity and Groveton.

ERSKINE, upon interview, produced some cards, each of which represented out-going prepaid long distance telephone calls from Groveton, and another group of cards, each of which represented an in-coming collect call to Groveton. ERSKINE stated that out-going collect calls and in-coming calls paid at their source were a matter of record only at the place at which the calls were paid and for this reason he advised that he could not supply Agent BRAND with a record of this latter type of long distance telephone call.

Investigating Agent checked the available long distance call cards and the following represents out-going paid and in-coming collect calls in which one of the call stations other than Groveton was located in San Antonio, Austin, Houston, Fort Worth or Dallas:

OUT-GOING PAID CALLS FROM GROVETON:

From pay station Groveton, telephone number 9500
To JANET FRANKLIN, 2504 Floral, Dallas, Texas,
telephone Number C 2990 - 8:28 P.M. June 30, 1941.

From Groveton pay station, telephone number 9500
To Houston, telephone number P 5655 - 9:20 P.M.
June 30, 1941.

From MR. DUE (Manager of the Light and Power Co.
Groveton) telephone number Groveton 45 To Chamber-
lain Chevrolet Company, Houston - 7:25 P.M.
June 30, 1941.

From C.C. CHESHER, Groveton number 34 To MR. GOGGAN,
Houston - 1:45 P.M. June 30, 1941.

From MR. McREYNOLDS, Groveton Number 212,
To Petty Geophysical Company, F 3417, Houston
1:30 P.M. June 30, 1941.

From H. C. TAYLOR, Groveton Number 48 to A.
C. HORN, Fairfax 8354, Houston - 12:53 P.M.
June 30, 1941.

IN-COMING COLLECT CALLS:

From San Antonio Telephone Number Pershing 0482
To MR. PETTY, Groveton Number 212 - 10:25 P.M.
June 28 and 29, 1941.

From Houston, long distance station 373, To W.
L. GIBSON, Mayor of Groveton, telephone number
Groveton 76 - 7:50 P.M. June 30, 1941.

From Lone Star Creamery Company, Houston To MR.
BUHR, Groveton Number 24 - 8:17 P.M. June 30, 1941.

From San Antonio Telephone Number Pershing 0482
To MR. PETTY, Groveton Number 212 - 8:05 P.M.
June 30, 1941.

From ERNEST COKER, Austin to C. C. CHESSEB (an
attorney at Groveton) Groveton Number 160 -
3:25 P.M. June 30, 1941.

MRS. WILBURN advised that she couldn't remember any particular
telephone calls from Austin or San Antonio to Groveton on June
28, 29 or 30, 1941.

The following investigation was conducted by Special Agent
NORMAN N. BRAND on July 8 and 9, 1941 in Liberty County, Texas.

TOM CALHOUN, Postmaster, Liberty, advised that as far as he knew
there were no irregularities or discrepancies in the recent
special election to choose United States Senator for an un-expired
term.

He stated that at the Liberty Voting Precinct many votes were found in which there was left unscratched the name of more than one candidate. He said that these votes were not counted but were regarded as defective.

CALHOUN related that Liberty County was one of the counties which was represented in the House of Representatives by Congressman MARTIN DIES and for this reason could be reasonably expected to vote strongly for DIES; and for this reason it was no surprise to him when DIES polled almost as many votes as the total of the other candidates combined. CALHOUN advised that because the election ran true to form in Liberty County, he was of the opinion that the investigating agent would find no election fraud in that county. CALHOUN advised that the following were officials at Liberty County:

T. J. HIGHTOWER, County Judge;
TOM WHEAT, County Attorney;
L. V. HIGHTOWER, County Clerk; and
PAT LOWE, Sheriff

PAT LOWE, Sheriff of Liberty County was interviewed at his office on July 9, 1941. He advised that to his knowledge the election in Liberty County ran true to the pre-election predictions and that MARTIN DIES easily carried the County. He stated that to his knowledge there were no irregularities or undue electioneering in the County.

LOWE advised that it was common knowledge that the election officials throughout the voting precincts in the county did not tally ballots on which the name of more than one candidate was not crossed out. LOWE stated that the County Officials and election judges were all known to be up-right citizens and said that he doubted that the investigating agent would run across any discrepancies in the vote in Liberty County.

THOMAS J. HIGHTOWER, County Judge was interviewed briefly on July 9, 1941. He advised that he could spend no more than a minute or two with investigating agent for the reason that he was on that day chief lawyer for defendant J. H. ROSE, SR. who was being tried for murder in the District Court at Liberty.

HIGHTOWER requested KATHRYN CARLISLE, his secretary, to cooperate fully with the investigating agent and to allow him to review the tally sheets and certifications sent in to the County Judge from the various voting precincts throughout the County.

MISS CARLISLE advised that she was familiar with the election, being a deputy county clerk in addition to secretary to the county judge, and that to her knowledge there were no irregularities in the recent election in Liberty County. She stated that inasmuch as the County Attorney had expressed an opinion to the effect that all ballots where the name of more than one candidate was not crossed out, these ballots should not be tallied at all, that it was uniform throughout the county in all voting precincts that such ballots were not counted. MISS CARLISLE advised that as secretary to the County Judge she was present when the election canvass was made by the County Commissioners' Court on the afternoon of June 30, 1941. She advised that the returns were canvassed in a short time, and that on July 1, 1941 she, herself, mailed in the complete returns to the Secretary of State at Austin, Texas.

MISS CARLISLE produced the tally sheets and certificates from the seventeen voting precincts in the County. These documents reflected that the following election officials served at the special election on June 28, 1941:

ELECTION OFFICIALS - LIBERTY COUNTY

CLARK #1

J. N. SMITH, Presiding Judge;
E. J. McNULTY, Assistant Judge;
EDNA FOWLER, Clerk.

MOSS HILL #2

J. W. WALTERS, Presiding Judge;
L. DAFFERN, Clerk;
R. E. STONE, Clerk.

HARDIN #3

FRANK ABSHIER, Presiding Judge;
E. C. BARRETT, Assistant Judge;
JOE MIAA, Clerk;
MISS MARY LOU KEY, Clerk;
MRS. FRANK ABSHIER, Clerk.

DEVERS #4

J. A. HAYES, Presiding Judge;
J. E. HARDY, Clerk;
MRS. L. P. WHITTINGTON, Clerk;
MRS. JAY BROWN, Clerk.

LIBERTY #5

JEWELL RODGERS, Presiding Judge;
MRS. ORLAND BURCH, Assistant Judge;
R. T. COCKE, Assistant Judge;
J. J. DEVERE, Clerk;
HALLIE MAE MULLINS, Clerk;
MRS. E. H. McLEAN, Clerk;
MRS. R. C. TIMS, Clerk.

MOSS BLUFF #6

D. HUMBER, Presiding Judge;
A. M. CLOUGH, Clerk;
MRS. G. C. LAND, Clerk.

CLEVELAND #7

LOUIS TANNER, Presiding Judge;
LUCY TANNER, Assistant Judge;
MRS. H. R. ROARK, Clerk;
MRS. BILLIE KIRKHAM, Clerk;
MRS. C. S. DUNCAN, Clerk.

HIGHTOWER #8

J. W. PORTER, Presiding Judge;
MRS. JOE ED. SMITH, Clerk;
N. W. PORTER, Clerk.

TARKINGTON #9

W. C. CRAWLEY, Presiding Judge;
M. CHARLES, Assistant Judge;
O. D. CANNON, Clerk;
STANLEY MIZELL, Clerk.

DAYTON #10

J. D. MCGINTY, Presiding Judge;
SIDNEY A. SMITH, Assistant Judge;
L. P. UNKEL, Assistant Judge;
W. B. STEPHENSON, Clerk;
MRS. CATHERINE GRIFFITTS, Clerk;
IVY T. JAMISON, Clerk.

RAYWOOD #11

R. D. PITKE, Presiding Judge;
MRS. W. H. DEBIDUHL, Clerk;
MRS. R. D. PITKE, Clerk.

RYE #12

CAL RYE, Presiding Judge;
IRENE CLIFTON, Assistant Judge;
MRS. NETTIE NICHOLS, Clerk;
MRS. S. C. MUSGROVE, Clerk.

DAISETTA #13

W. L. CANNAN, Presiding Judge;
E. P. HARDIN, Assistant Judge;
HUEOLA ALPHIN, Clerk;
ALVIN SADLER, Clerk;
NORA ENLOE, Clerk.

EASTGATE #14

W. C. GUIHER, Presiding Judge;
JOE SEFCIK, Clerk;
E. A. OLSON, Clerk.

ROMAYOR #15

J. W. FOSTER, Presiding Judge;
MRS. W. B. BRASHEAR, Clerk;
MRS. B. K. RICHARDSON, Clerk.

RAYBURN (DOLEN) #16

P. C. KIRKHAM, Presiding Judge;
J. R. HALTON, Clerk;
PEARL MANNY, Clerk;
CORRINE SMITH, Clerk.

HULL #17

C. A. PEDIGO, Presiding Judge;
G. W. HILLIARD, Assistant Judge;
CARLIE MAE EZZELL, Clerk;
OLA MAE HAMMOND, Clerk.

In the presence of MISS CARLISLE, the investigating agent reviewed tally sheets and the poll lists from each of the seventeen voting precincts. An examination of these documents failed to reveal other than minor changes in the votes for any candidate, not exceeding more than one or two votes either for or against any particular candidate. The examination further revealed that there was a total of 2350 votes cast in the county, of which 2142 were tallied and of which 208 were disallowed for one reason or another.

The following tabulation will reflect the votes cast in Liberty County for the four major candidates and the total number of votes cast in each of said voting precincts:

PRECINCT	DIES	O'DANIEL	JOHNSON	MANN	OTHER CANDIDATES	TOTAL VOTES CAST
1	10	17				28
2	10	10	1	3		26
3	48	37	17	11		115
4	63	36	12	15	2	132
5	249	71	79	73	3	514

(continued)

PRECINCT	DIES	O'DANIEL	JOHNSON	MANN	OTHER CANDIDATES	TOTAL VOTES CASE
6	18	33	10	6		74
7	205	114	43	42	3	423
8	13	10	4	7	1	36
9	29	44	13	12		98
10	108	75	61	49		365
11	15	18	6			40
12	25	9				36
13	109	43	17	12		204
14	3	5	10	1		25
15	23	32	1	1	2	60
16	32	11	3	5		51
17	66	17	4	5		123
TOTALS	1026	582	281	242	11	2350

VOTES CAST:	2350
VOTES TALLIED:	<u>2142</u>
VOTES DISALLOWED	208

The foregoing tabulation reflects that the number of voters or persons shown to have voted, by the poll list, were larger in virtually every voting precinct than the total votes tallied on the tally sheets for the respective precinct.

In but three of the voting precincts was the form "REGISTRY OF BALLOTS MUTILATED AND DEFACED" used. The use of this form in three precincts reflected the following:

Voting Precinct #2 - two ballots mutilated as voter "failed to show candidate he wish to vote for".

Voting Precinct #11 - one ballot "defacement".

Voting Precinct #15 - one ballot "failed to cancel enough names".

The investigating agent noted that the foregoing tabulation coincided with the tally made by the Commissioners' Court of Trinity County, the latter having been made available to Agent by MISS CARLISLE.

LOCKHART B. HIGHTOWER, County Clerk was interviewed on July 9, 1941 in the office of the County Attorney. He advised that Liberty County was fortunate in having an intelligent group of presiding judges, with all of whom he was acquainted personally. HIGHTOWER stated that to his knowledge there were no irregularities in the recently conducted election, and that MARTIN DIES, as anticipated, easily carried the County. HIGHTOWER advised that all of the ballot boxes from the respective voting precincts were delivered over to him by the afternoon of Monday, June 30, 1941. He stated that the County Clerk's office was closed at 5:00 P.M. on Election Day, and that for that reason virtually all the ballot boxes were delivered on the Monday following the election.

HIGHTOWER stated that the Commissioners' Court canvassed the vote on the afternoon of June 30, 1941. He advised that no one communicated with him by telephone or in person for the purpose of asking him to hold up the returns on the election in that County. He advised that after several voters had left unscratched out the names of more than one candidate, that the election officials in the Liberty precinct called the attention of all voters to the fact that the name of only one candidate must be left unscratched out. HIGHTOWER advised that the ballot boxes that he had received from the various voting precincts had all been stored and that the locks had not been broken. The investigating agent requested HIGHTOWER to store the ballots and the ballot boxes in accordance with the law and to retain them for the period required by law, which he agreed to do. HIGHTOWER advised that in his opinion none of the ballot boxes could be classed as having been delivered late, inasmuch as the County Clerk's office was closed at 5:00 P.M. Saturday, June 28 and all day Sunday, June 29, 1941.

MRS. OLLIE ANDERSON, Manager of the Southwestern Bell Telephone Company at Liberty, Texas advised that her office did not have available any record of long distance calls out-going or in-coming for June 28, 29 and 30, 1941. She stated that a record of the in-coming collect and out-going paid calls was available at the Houston, Texas office of the Southwestern Bell Telephone Company

but advised that in-coming paid or out-going collect telephone calls could be traced only at the place at which such calls were paid for. She advised that the Liberty exchange was relatively busy, and that there would be between 800 and 1000 long distance calls on record at the Houston office of the company for the period of June 28, 29 and 30, 1941.

MRS. JEWELL RODGERS, 1911 Grand Avenue, Liberty, Presiding Judge of Liberty Voting Precinct Number 5 was interviewed on July 9, 1941. She advised that the polls at her precinct opened at 8:00 A.M. and were closed promptly at 7:00 P.M., no persons voting after the latter hour. She advised that the first tally was made about 9:00 A.M., and that there were several tallies made throughout Election Day.

MRS. RODGERS related that the final tabulation was completed at about 7:05 P.M.; that the ballot box was locked; that the envelopes addressed to the County Clerk and the County Judge were sealed and were immediately taken to the County Clerk's Office and locked in said office. MRS. RODGERS stated that the County Clerk's Office had closed prior to 7:05 P.M. but that one of the election officials had a key to the County Clerk's Office. She stated that the polling place was the County Court Room which was in the same room as the County Clerk's Office.

MRS. RODGERS asserted that no one communicated with her by telephone or in person to ask her to hold up the returns from her ballot box. She advised that to her knowledge there were no irregularities or discrepancies in the election in her precinct, but that everything ran off smoothly. MRS. RODGERS advised that on 52 ballots the voter had left unscratched out the names of more than one candidate. She advised that in such instances the ballots were not tallied, but were regarded as defective. MRS. RODGERS stated that in addition to the foregoing defective ballots, there were encountered a few more with the paper composing the ballot torn and that these latter mutilated ballots were not counted. MRS. RODGERS advised that before deciding to throw out the ballots on which there was left unscratched out more than one name, she communicated with the County Judge and County Attorney who advised her to follow the procedure of not counting such ballots.

MRS. RODGERS related that the tally sheets were kept by T. W. MULLINS, MRS. O. W. BURCH and R. T. COCKE. She stated that tallying was done in the County Commissioners' room although the voting was in the County Court Room. MRS. RODGERS advised that on June 28, 1941 at 11:00

A.M., 2:00 P.M. and 4:00 P.M. partial returns were released to JAKE SMITH, Publisher of the "LIBERTY VINDICATOR" and the "LIBERTY COUNTY NEWS".

ROMAN D. PITRIE, Presiding Judge of Raywood Precinct Number 11 was interviewed at his gas station in Raywood on July 9, 1941. He advised that the polls at his precinct were opened at 8:00 A.M. and closed promptly at 7:00 P.M. He advised that frequent tallies were made throughout the day so that the final tabulation was completed a few minutes after 7:00 P.M. PITRIE stated that thereafter the ballot box was locked; the various envelopes were sealed, and that these things were locked in his gas station until about 8:00 A.M. on June 30, 1941 when they were delivered to the County Clerk at Liberty by MRS. LEO B. PITRIE, his daughter-in-law. PITRIE stated that the ballot box and envelopes were not delivered to the County Clerk on election night because it was not customary for the County Clerk to remain at the Courthouse in that county.

PITRIE stated that MR. R. D. PITRIE, and MRS. W. H. DeBRUHL kept the tally sheets and that there was no change made on the tally sheets once the votes were recorded there. PITRIE advised no one communicated with him by telephone, or in person, and asked him to hold up the returns from his box. He stated that he ran across no ballot on which the voter had left unscratched out the name of more than one candidate; but advised that if he had encountered such a situation, he would not have counted these ballots.

PITRIE advised that in one instance a voter had defaced his ballot, asked for another, turned in the defaced ballot, and that a record was kept of this transaction. PITRIE advised that no partial returns were released from his precinct at any time during Election Day as not much interest was shown in the election. He advised that to his knowledge there were no irregularities or discrepancies in the vote or manner of conducting the election, and that generally it was a "quiet election".

MRS. J. A. HAYES, Devers, wife of the Presiding Judge of the Devers Voting Precinct advised that her husband was working at Winnie, Texas and would not be back to Devers prior to July 12, 1941. She advised that MRS. J. E. HARDY, the Assistant Judge of the precinct had moved to Dayton, Texas.

MRS. JAY BROWN, Devers, one of the Clerks of the Devers Voting Precinct Number 4 was interviewed on July 9, 1941 in the presence of her husband. She advised the polls were opened at 8:00 A.M. and closed at 7:00 P.M.; that tally sheets were kept during the day by J. E. HARDY, MRS. L. P. WHITTINGTON and herself. MRS. BROWN stated that the final tabulation was completed about 7:15 P.M., after which she observed that the ballot box was locked and that the various envelopes were sealed. She advised that MR. HAYS, the Presiding Judge then took charge of the ballot box and envelopes and she was unable to inform the investigating agent at what time these things were turned over to the County Clerk at Liberty.

MRS. BROWN advised that no one communicated with her or the other election officials for the purpose of requesting that the returns from that ballot box be held up. She advised that to her knowledge there were no irregularities or discrepancies in the vote in the Devers Precinct; that it was generally considered a quiet election.

MRS. BROWN related that several ballots were encountered on which the name of more than one candidate would be left unscratched; she stated that in such instances the ballots were not tallied, but were regarded as defective.

On July 9, 1941 the investigating agent went to the home of W. L. CANNAN, Presiding Judge at the Daisetta Voting Precinct Number 13. A note tacked to the front door of CANNAN's residence was to the effect that "Will be at Kirbyville State Park until July 11".

ELMER PRESLEY HARDIN, Baptist Minister, Assistant Judge of Daisetta Voting Precinct Number 13 was interviewed on July 9, 1941. He advised that the polls opened at 8:00 A.M. and closed at 7:00 P.M. HARDIN stated that the first tally of votes was made about 1:00 P.M. and that tally sheets were thereafter kept by HUEOLA ALPHIN, ALVIN SADLER and NORA ENLOE. HARDIN said that final tabulation was completed about 7:30 P.M.; that he saw the ballot box was locked and the envelopes addressed to the County Judge and County Clerk were sealed. He stated that these things were left with MR. CANNAN, the Presiding Judge and that he believed that MR. CANNAN delivered the box and envelopes to the County Clerk that same night.

HARDIN advised that no one communicated with him or the other election officials for the purpose of asking that the returns be held up.

He related that on 23 ballots the name of more than one candidate was not crossed out. HARDIN stated that these ballots were dropped in the ballot box but were not tallied; that they were regarded as defective. HARDIN stated that to his knowledge there were no irregularities or discrepancies in the voting in his precinct, and that the tally sheets were not changed from the original tally kept all during the day.

HARDIN advised that he did not recollect in whose favor were the 23 ballots that were not counted.

G. W. HILLIARD, Assistant Judge, Hull Voting Precinct Number 17 was interviewed on July 9, 1941. He advised the polls were opened at 8:00 A.M. and were closed at 7:00 P.M. He stated that tally sheets were kept all during the day, beginning about 11:00 A.M. HILLIARD asserted that complete tabulation was made at 7:15 P.M., after which the ballot box was locked; various envelopes sealed and left in the possession of C. A. PEDIGO, the Presiding Judge of the Voting Precinct.

HILLIARD advised that he did not know when PEDIGO delivered the box and envelopes to the County Clerk, although he believed that these things were delivered on the night of the election for the reason that PEDIGO requested him to accompany PEDIGO to Liberty that night to deliver the box. HILLIARD stated that no one communicated with him, or the other officials, for the reason that the election returns be held up. He advised that to his knowledge there were no irregularities or discrepancies in the election at Hull.

HILLIARD asserted that there were encountered some 31 ballots in which the name of more than one candidate was not crossed out. He said that these ballots were not tallied but were regarded as mutilated. HILLIARD stated that he didn't know in whose favor these 31 ballots were, although he believed that 60% of these ballots would have favored O'DANIELS. HILLIARD stated that PEDIGO released a partial count of votes at 3:00 P.M. on July 28, 1941 by telephone, to MRS. MABEL NORMAN who was formerly Chief Deputy in the County Clerk's office at Liberty. HILLIARD advised that he did not know for whom MRS. NORMAN was working.

FRANK ABSHIER, Presiding Judge of Hardin Voting Precinct Number 3 was interviewed on July 9, 1941 in the presence of his wife at his farm house. He advised that he opened the polls at 8:00 A.M. and

closed them promptly at 7:00 P.M. ABSHIER stated that a tally was kept all during Election Day by MARY LOU KEY and Mrs. FRANK ABSHIER. He stated that the final tabulation was in at about 7:30 P.M. and that thereafter the ballot box was locked; the various envelopes sealed. ABSHIER advised that these things remained in his possession and custody until about 8:00 A.M. on Monday, June 30, 1941 at which time they were handed by him to the Deputy County Clerk at Liberty. ABSHIER advised that the box and envelopes were not delivered on election night or the Sunday following for the reason that the Courthouse was closed.

ABSHIER asserted that no one communicated with him by telephone, or in person for the purpose that the returns from his box be held up. He advised that he encountered two ballots on which the name of more than one candidate was not crossed out, and that these ballots were not counted but were regarded as defective.

ABSHIER asserted that no irregularities or discrepancies had occurred at his voting precinct. He stated that partial returns were released several times during the day and that he phoned them in to Mrs. MABEL NORMAN a Deputy County Clerk at Liberty.

JOSEPH D. MCGINTY, Presiding Judge at Dayton Voting Precinct Number 10 was interviewed at his drug store at Dayton on July 9, 1941. He advised the polls were opened at 8:00 A.M. and were closed promptly at 7:00 P.M. MCGINTY stated that a tally was kept during the day by the three clerks employed at the polling place. He advised that the final tabulation was completed about 7:20 P.M., after which the ballot box was locked and the various envelopes sealed. MCGINTY asserted that about 8:30 A.M. on Monday, June 30, 1941 he handed over the box and envelopes to W. C. GUYNER, Presiding Judge of the East Gate Voting Precinct Number 14 who thereafter delivered them to the County Clerk at Liberty, Texas.

MCGINTY advised that the ballot box and envelopes were retained in his possession from 7:20 P.M. on June 28, 1941 until 8:30 A.M. on June 30, 1941. He stated that the partial returns were released by him during the day on several occasions to MABEL NORMAN at Liberty, Texas.

MCGINTY stated that no one communicated with him by telephone, or in person, for the purpose of requesting that the returns from his box

be held up.

McGINTY related that he encountered about 72 ballots on which the name of more than one candidate was not crossed out. He stated that these ballots were regarded as erroneous and were not tallied. McGINTY advised that he did not remember who the democratic candidate was that these ballots would have favored had they been counted.

McGINTY advised that other than these 72 ballots, there were no discrepancies or irregularities in the voting election at his precinct.

LOUIS TANNER, Presiding Judge at Cleveland Voting Precinct Number 7 was interviewed at his roadside sandwich stand at Cleveland on July 9, 1941. He advised that he opened the polls at 8:00 A.M. and closed them at 7:00 P.M. TANNER stated that tally sheets were kept by three clerks at the voting precinct all during the day, and that final tabulation was completed at about 7:05 P.M.; at which time the ballot box was locked and the various envelopes were sealed. He stated that these things remained in his possession at his home until in the morning of June 30, 1941 at which time he took them to Liberty and handed them over to the County Clerk at about 9:00 or 10:00 A.M. TANNER stated that he did not attempt to deliver the ballot box or the envelopes on Saturday night or Sunday because he knew that the County Courthouse would be closed.

TANNER advised that at about 3:00 and 4:00 P.M. and about 7:05 P.M. on June 28, 1941, he telephoned in the returns to MRS. MABEL NORMAN, Liberty, who was a representative of the Texas Election Bureau for Liberty County. TANNER asserted that between 3:00 and 4:00 P.M. JAKE SMITH, newspaper publisher at Liberty telephoned him and requested the partial returns; TANNER stated that he furnished these partial returns to SMITH at that time.

TANNER related that no one communicated with him by telephone or in person for the purpose of requesting that the returns from his box be held up.

TANNER stated that he encountered 16 ballots on which the name of more than one candidate was not crossed off; and that these ballots were not tallied but were regarded as defective.

TANNER stated that in his opinion there were no irregularities or discrepancies during the election, which he described as "nice and clean". He advised that there was no "politicizing" around his polls at all.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

FEDERAL BUREAU OF INVESTIGATION

Origin DALLAS

File No.

b7E

Made at:
HOUSTON, TEXASDate:
7/8/41Period:
7-5,6-41Made by:
GEORGE N. DENTON

LTJ

Title:
ALLEGED IRREGULARITIES UNITED STATES
SENATORIAL ELECTION, STATE OF TEXAS
JUNE 28, 1941Character:
ELECTION L.A.S

Synopsis:

Investigation conducted in nine counties revealed some mutilated or illegally marked ballots in all counties according to presiding judges. Election officials report majority of mutilated ballots discarded but small number of them counted on official returns in Hardin, Newton, Polk, Trinity, and Walker Counties. Total detected not over 150. Election judges advised no premature election returns disseminated and no request received to delay election returns. Officials report all returns submitted to proper officials within 72 hours of closing of polls. According to records election returns of several precincts reflect a few more votes tabulated than number of qualified voters listed. Apparent discrepancies plausibly explained. Election judge in Colorado County advised he unintentionally furnished press incorrect information regarding candidate JOHNSON'S returns. No tally sheet or poll lists reported for Precinct #12, Newton County but verbal report submitted according to County Clerk. Three corrections noted on County Clerk's official records in Shelby County. According to presiding judge a 1941 poll tax list was not used to check voters in Precinct #15 Tyler County. Investigation has failed to disclose purposeful irregularities. Additional investigation being conducted in Jasper, Liberty, and San Augustine Counties in Houston Field Division District.

- P -

REFERENCE: Letter from Dallas to Houston dated July 3, 1941.

INDEXED

Approved: *R. J. [Signature]*

Special Agent in Charge

Copies: 100 m. [unclear]

CH ③ - Bureau 12 - Houston
2 - Dallas
2 - San Antonio (1 - BEN F.
FOSTER, Special Agent to the
Attorney General)

JUL 10 1941

50 spaces

JUL 12 1941

b7E

DETAILS: With letter of reference was transmitted a memorandum to Special Agent in Charge A. P. KITCHIN, Dallas, Texas from Mr. BEN F. FOSTER, Special Assistant to the Attorney General. The pertinent parts of this memorandum are quoted as follows:

"You are requested as soon as practicable to contact the various county judges, county clerks, and election officials in the counties listed and endeavor to ascertain if any discrepancies in the count or irregularities have occurred. You are particularly requested to see that the number of voters or persons shown to have voted by the poll lists tallies with the number of persons shown to have voted for the several candidates, the names appearing on the list of voters that have been checked showing these persons have actually voted should be as large, if not larger, than the total voters tallies on the tally sheets for the respective precincts. It should be also ascertained whether or not the tally sheets have been tampered with.

"Information has been furnished me to the effect that many spoiled ballots have been counted, and the election officials should be asked if votes were counted when the voter had left more than one name on the ballot. It should be kept in mind that in the recent election there were candidates in the Democratic, Republican, and Communist, and possibly other tickets. It has also been called to my attention that many ballot boxes reported very late, and an attempt should be made to ascertain in whose custody these boxes were between the time the polls were closed, and the time they were delivered to the County Clerk. Particular attention should be paid to these late boxes unless some satisfactory explanation for their lateness is given. It should also be determined where the votes were counted and who was present when the votes were counted and who kept the tally sheets in these particular instances. In all instances, where the County Clerk is called upon he should be asked to store ballots, and ballot boxes in accordance with the law and retain them for the period required by law.

"An attempt should be made to ascertain whether or not corrections have been made by any of the election officials with respect to the count of any candidate and in each case where it develops that changes have been made, an attempt should be made to secure a satisfactory explanation for the same.

"It should also be ascertained who is responsible for the giving out of the returns before the polls were closed, and before a completed count was made and find out why the count was delayed.

4-1-

"Did anybody communicate with you by telephone or in person about holding up the returns from your box, and what reason did they give, if any."

It was further suggested by Mr. FOSTER that the time element should be considered of importance, and that election officials should be contacted as soon as reasonably possible.

HOUSTON

Following investigation was conducted by Special Agent GEORGE N. DENTON on July 5 and 6, 1941 in Shelby County, Texas:

Mrs. SARAH E. BURNS, Postmistress at Center, Texas, on July 5th advised upon interview that the County Judge of Shelby County is R. E. BURNS, and is her brother-in-law. She advised that County Judge BURNS is related to Congressman MARTIN DIES inasmuch as a sister of Congressman DIES is married to a brother of County Judge BURNS. Postmistress BURNS advised that Shelby County voted in favor of Congressman MARTIN DIES in the recent senatorial election held on June 28, 1941. She stated upon inquiry that she had heard of no allegations of fraud or illegal balloting. She stated also upon inquiry that she heard Sunday, June 29th, one day after the election, that all of the returns had not officially reached Judge R. E. BURNS. She could not elaborate upon this but advised that it is her opinion that perhaps the returns of all the precincts had been telephoned into Judge BURNS and that some of the ballot boxes had not yet officially reached Judge BURNS or his office.

Judge R. E. BURNS, County Judge of Shelby County, who resides in Tenaha, Texas, was interviewed in his offices in Center on July 5th. He advised that the Commissioners Court of Shelby County is comprised of Mr. D. B. NIX, Commissioner for precinct No. 1, Mr. C. N. JACOBS, Commissioner for precinct No. 2, Mr. J. R. CHRISTIAN, Commissioner for precinct No. 3 and Mr. W. C. CRUMP, Commissioner for precinct No. 4. He stated that all of these commissioners are engaged in farming and agricultural work in Shelby County.

Judge BURNS advised that he met with the above named commissioners and also with Mrs. J. L. WALKER, County Clerk of Shelby County, on Monday night, June 30, 1941, at which time the Commissioners Court officially tabulated and recorded into the records of Shelby County the vote in the senatorial special election. He advised that in order to have this official tabulation on Monday night, June 30, it was necessary that he personally contact the presiding election judge in the voting precincts of Patroon and Short in order that he could obtain the ballot boxes. Judge BURNS elaborated upon these ballot boxes being late in being submitted to the County Judge's Office by saying that there was no special reason for the ballot boxes being delayed in reaching the Office of the County Judge other than the fact that the election judges did not have means of conveying the ballot boxes into Center at the Judge's office. Judge BURNS further advised in this connection that according to Texas election laws, the election judges have 72 hours in which to deliver the ballot boxes to the Office of the County Clerk or the County Judge. He advised in order that the County Commissioners could convene and officially consider the election results, he personally visited the election judges in order to insure that the ballot boxes would reach the proper authorities by Monday afternoon before the Commissioners Court hearing.

HOUSTON

He further advised that although the voting precincts of Patroon and Short were late in furnishing the ballot boxes, they had previously telephoned the results of the election in their precinct boxes into the County Judge's Office. Judge BURNS advised that he has heard of no allegation of fraud connected with the election and it has not come to his attention that illegal votes were tabulated and counted in the final results of the election, according to his statement.

Judge BURNS obtained from County Clerk, Mrs. J. L. WALKER, the "Return of Elections" record book maintained by the County Clerk's Office and exhibited it to the reporting Agent. On July 5th, Mrs. J. L. WALKER advised that the entries, with reference to the senatorial election June 28, 1941, in this book had been made by Assistant County Clerk, Mr. BEN ALFORD, and that several corrections with regard to the special election of this United States Senator which plainly showed on this record book had been made by her. This record book reflected the following with reference to the special election of United States Senator, June 28:

RETURN OF SPECIAL ELECTION HELD IN
SHELBY COUNTY, TEXAS ON THE 28TH
DAY OF JUNE, 1941.

The State of Texas:
County of Shelby.

The Honorable Commissioners Court convened in special session on this the 30th day of June, 1941, all members of the Court being present and hereby certify that the foregoing contains true and correct tabulation of the special election held June 28, 1941, and after tabulating the same, the returns being opened according to law, we declare the same as tabulated.

R. E. BURNS	County Judge
D. P. NIX	Commissioner precinct No. 1
C. N. JACOBS	Commissioner precinct No. 2
J. R. CHRISTIAN	Commissioner precinct No. 3
W. C. CRUMP	Commissioner precinct No. 4

Also on this page of the "Return of Elections" book was a tabulation of the balloting by the various precincts in Shelby County. Judge BURNS advised that this tabulation of the voting was taken from the returns submitted to the County Clerk and County Judge by the various election judges in each precinct voting box. He advised that

HOUSTON

there are 33 voting boxes in Shelby County. The records of these voting boxes in their numerical order, and in accordance with the figures noted on the official record book "Return of Elections" are as follows:

("D" denotes DIES, "O" O'DANIEL, "J" JOHNSON)

1. Center (N.) D. 216 Mann 42
O. 120 Morris 1
J. 20 Ryan 1
2. Center (S.) D. 214 Mann 46
O. 128 Morris 3
J. 19 King 1
Elvins 1
3. Short D. 3 Mann 1
O. 17
4. Pine Grove D. 6 Mann 1
O. 8
5. Newville D. 18 Mann 5
O. 39
J. 3
6. Shelbyville D. 40 Mann 19
O. 49
J. 8
7. Huser D. 8 Mann 3
O. 39
J. 7
8. Breka D. 7
O. 19
9. Halbert D. 26 Mann 1
O. 4
10. Huxley D. 5
O. 36
11. Patroon D. 15 Mann 4
O. 15 Morris 1
J. 2
12. East Hamilton D. 6
O. 4
J. 4

HOUSTON

13. Joaquin D. 116 Mann 7
O. 93 Morris 1
J. 19 Fisher 1
14. Star Spring D. 5
O. 5
J. 1
15. Tenaha D. 142 Mann 22
O. 49
J. 50
16. Paxton D. 26 Mann 4
O. 31 Calvin 1
J. 11 Davis 1
17. Timpson (N.) D. 89 Mann 26
O. 51 Fisher 1
J. 22
18. Timpson (S.) D. 66 Mann 30
O. 39 Morris 2
J. 49
19. Aiken D. 25 Mann 4
O. 21 Morris 3
J. 4
20. Pauls Store D. 10
O. 37
21. Campti D. 6
O. 33
J. 2
22. Hurstown D. 10 Mann 2
O. 14
J. 1
23. Stockman D. 12 Mann 4
O. 22
J. 1
24. Waterman O. 11
25. Pleasant Hill D. 3
O. 2

HOUSTON

26. Arcadia D. 12 Mann 1
O. 7
J. 11
27. New Harmony D. 3
O. 11
28. Haslam D. 8 Mann 2
O. 22 Morris 1
J. 3 Harding 1
29. Grigsby D. 6
O. 7
30. Jarry's Store D. 12 Mann 1
O. 5 Morris 2
J. 1 Davis 1
31. Haley Store D. 19 Mann 1
O. 8 Fisher 1
J. 5
32. Wilde D. 5 Mann 2
O. 4
33. McClelland D. 5 Mann 1
O. 7
J. 6

It was observed that the final tabulation of votes for MARTIN DIES originally showed 1,141 and that this number had been crossed out in pencil and corrected to show 1,144; also in this connection, the official tabulation of votes for LYNDON JOHNSON originally showed in ink 248, which was crossed out in pencil and corrected to show 249 and that the tabulation of votes for candidate MORRIS originally shown in ink to be 13 was crossed out in pencil and corrected to show 14 votes.

An inquiry directed to County Clerk, Mrs. J. L. WALKER in the presence of Judge R. E. BURNS reflected, according to Mrs. WALKER's statement, that Assistant County Clerk ALFORD had apparently made three minor errors in addition when first tabulating the votes of the candidates, and that during the regular Commissioners Court Meeting on June 30, the votes were added on an adding machine and the correct figures were inserted above those originally made by Assistant County Clerk ALFORD. Mrs. WALKER advised that she personally made the pencil

HOUSTON

corrections on the final tabulation of votes pertaining to candidates DIES, JOHNSON AND MORRIS. She stated that these corrections were made in the presence of County Judge R. E. BURNS and the four County Commissioners assembled.

In a private interview, Mrs. J. L. WALKER informed that she had heard no allegations of fraud in connection with the senatorial election and that she knew of no illegal ballots having been counted in the returns of the election. In this connection she stated that she was informed there were three mutilated ballots but that she could not state whether or not these ballots had been actually counted. She advised that she was informed of these three mutilated ballots by the return tabulation sheet submitted to her office by the election judges and she presumed that they had not been counted in the official returns. It is to be noted at this point that Judge R. E. BURNS and County Clerk Mrs. J. L. WALKER both advise that the ballot boxes have not been opened by either of their departments since their return by the various election judges, and they advise that in accordance with Texas election laws they are not supposed to be opened and the ballots counted by their departments. Mrs. J. L. WALKER advised that all ballot boxes were called for at her department by the various election judges with the exception of three boxes which were turned over by her to the Sheriff's Office of Shelby County for delivery to the proper election judges. She was unable to recall the voting precincts where ballot boxes were delivered by the Sheriff's Office. Mrs. WALKER furnished a list of the presiding election judge in each of the 33 precincts and this list is as follows:

Center North:	H. O. LANE, presiding judge
Center South:	P. L. SANDEL, presiding judge
Short:	SAM MONK, presiding judge
Pine Grove:	HAMP NICHOLSON, presiding
Neuville:	B. O. POTTS, presiding
Shelbyville:	JIM HOWARD, presiding
Huber:	Mrs. J. D. HOLLOWAY, presiding
Dreka:	IRA ADAMS, presiding
Halbert:	V. C. CANNON, presiding
Huxley:	JIM FRED CAMPBELL, presiding
Patroon:	ELZIE TILLMAN, presiding
East Hamilton:	LOCKEFORD COX, presiding
Joaquin:	COCHRAN DAVIS, presiding
Star Springs:	J. S. BAILEY, presiding
Tenaha:	JOHN FEARS, presiding
Paxton:	JOHN WAGSTAFF, presiding
Timpson, North:	N. O. CORLEY, presiding
Timpson, South:	W. S. ESPY, presiding
Aken:	E. L. HOPKINS, presiding
Paul's Store:	DOUG FITTS, presiding

HOUSTON

Campti:	BOBBIE HUGHES, presiding
Hurstown:	GEO. EDDINS, presiding
Stockman:	J. H. CRAWFORD, presiding
Waterman:	FLOYD HUTTO, presiding
Pleasant Hill:	A. R. ENGLISH, presiding
Arcadia:	J. E. SMITH, presiding
New Harmony:	ED DELANEY, presiding
Haslam:	WALTER DEAN, presiding
Grigsby:	S. L. RUSSELL, presiding
Jarry's Store:	JIM MONK, presiding
Haley Store:	O. L. PARKER, JR., presiding
Wilda:	Mrs. PIERCE WHITESIDE, presiding
McClelland:	BRADFORD GANN, presiding

Mr. JIM HOWARD, presiding judge of precinct No. 6 in Shelbyville, on July 6th, advised he knew of no fraudulent or illegal voting in his precinct. He stated that he had called for the ballot box at the County Clerk's Office in Center prior to the election day and that he personally had returned it after the conclusion of the election. He advised that during the tabulation of the votes Saturday night, June 28, he noticed four ballots where more than one name was left unscratched. He stated that because, in his opinion, this constituted an illegal ballot he did not count any of these ballots but did include them in the locked ballot box when he returned it to the County Clerk's Office. He stated further in this connection that all four of these ballots left the name of W. LEE O'DANIEL unscratched on the Democratic list of candidates but failed to scratch the names of the Republican and Communist candidate. Mr. HOWARD advised that he had received no telephonic communications or communications of any type regarding the holding up of the returns of his precinct.

Mr. ELZIE TILLMAN, presiding election judge at precinct No. 11, located at Patroon, Texas, on July 6th advised that there had been no illegal voting in his precinct according to his knowledge. He advised that the ballots plainly showed that all names with the exception of one candidate had been scratched by the voters. He advised that he had received no telephonic communication or any other type of communication regarding holding up the election returns before submitting them to the County Clerk or County Judge.

HOUSTON

The following investigation was conducted by Special Agent D. J. FLICKINGER in Colorado County, Texas, on July 5th and 6th, 1941:

AT COLUMBUS, TEXAS, on July 5, 1941.

A. J. CHAPMAN, Postmaster, advised that he had heard no rumors of irregularities in the senatorial election. He stated that on the town's bulletin board, it was first reported that GERALD C. MANN and LYNDON JOHNSON had tied in Columbus, but that this was a mistake which was later corrected.

Judge H. BUSCHER, County Judge, advised that he heard of no reports of illegal voting and stated that the ballots which were discarded were those on which the voters failed to scratch off the other parties or where there were the names of two candidates left on the ballot. He further advised that in precinct one, which is the town of Columbus, 485 votes were cast while 475 votes were counted, there being ten discarded ballots.

It should be noted that the Democratic Party received a preponderance of votes in this county over the other parties--that is, the Republican, Independent, and Communist Parties.

A check in the offices of the County Clerk and the County Judge of the number of names listed on the poll list against the number of votes counted on the tally sheet reflects the following:

<u>Name of Town</u>	<u>Number of Voters Listed</u>	<u>Number of Votes Counted</u>
COLUMBUS	485	475
GLIDDEN	76	61
ALTAIR	27	23
GARWOOD	140	120
NADA	87	86
ROCK ISLAND	65	61
SHERIDAN	25	18
OAKLAND	97	92
WEIMAR	555	469
GROVE	11	11
BUESCHES	45	45
SHAWS BEND	27	25
SANTA ANNA	14	14
BRUSHY	25	20
FRELSBURG	131	105
MENTZ	32	29
BERNARDO	102	97
ALLEXTON	42	40
EAGLE LAKE	373	320
ELDRIDGE	16	16

HOUSTON

The total number of votes cast was 2,127.

E. H. RABEL, Tax Collector, advised that 2,676 persons paid poll tax and that the voting strength was slightly above this number as there were a few exemptions of persons over 60 years of age.

EDGAR LITZMANN, County Clerk, stated he had heard no rumors of any irregularities and that the ballot boxes had been turned into his office earlier than in any previous elections. He advised that his office would retain the results for a 12-month period as the law required.

MRS. SUSIE STEINER, an election judge, advised that the polls were open for voting from 8 A. M. to 7 P. M.; that no one voted outside of these hours. MRS. STEINER tallied the votes as they were read to her from the ballots. She understood that the ballots on which the voters failed to scratch the names of the other parties were discarded; and she believed that there were no ballots on which the names of two candidates for the same party were left. The votes, she advised further, were counted in the same room in which the voting took place during the time that all the election officials were present. The votes at this polling place were not counted until after 1 P. M., she stated. No one communicated with Mrs. STEINER about holding up the returns from the box. Mrs. STEINER stated that no returns were given out during the voting hours. She advised that the work in this polling place was finished at 7:30 P. M.

MRS. MYRTLE McMAHAN, an election judge, furnished essentially the same information as Mrs. STEINER, but stated that the counting was finished by 7:20 P. M. and advised in addition that she saw the ballot box locked. She also stated that no one tried to influence her in delaying the returns.

MRS. DAISY MEDDLEBROOK, an election judge, observed no irregularities in the voting and also furnished information similar to that of Mrs. STEINER. She advised that the polls were open from 8 A. M. to 7 P. M., and that the election officials work was completed by 7:15 P. M.; that no returns were given before the polls closed; that all the votes were counted in the afternoon in the presence of all officials; that the incomplete ballots were properly rejected; and that she personally saw the ballot box locked. She further stated that this box was delivered to the County Judge whose office is directly across the hall from the voting place, and that all the officials accompanied the box to this office. During the election day, two people were refused the right to vote; the first, a white person, because he had not paid his poll tax prior to January 31, 1941; the other, a negro who had not paid his poll tax at all but believed he had a right to vote as he had paid his back taxes.

J. C. BURT, Presiding Judge, noted no irregularities in the voting and gave the same account as the previous officials. He explained

HOUSTON

that the mistake appearing on the town's bulletin board--which gave GERALD C. MANN and LYNDON JOHNSON each 167 votes--occurred when he started writing the votes down for the benefit of OSCAR ZUMWALT, a local druggist and newspaper correspondent, but that his job was taken over by MRS. SUSIE STEINER who gave JOHNSON 167 votes which was incorrect but which was innocently done; BURT pointed out that this was an unofficial announcement and that the official announcement was correct. This report was given out at the completion of the work, and Mr. BURT, later realizing that a mistake had been made, contacted Mr. ZUMWALT advising him of the mistake before he had telegraphed these unofficial results to his headquarters; however, Mr. BURT did not believe that Mr. ZUMWALT made any change as Mr. BURT was unable to give the correct figures, the election having been concluded and the votes turned in. Mr. BURT further advised that at lunch time, the officials were dismissed one at a time. Mr. BURT advised that Mrs. McMAHAN, Mrs. STEINER, and Mrs. NEDDERBROOK tallied the votes.

All the election officials at Columbus stated that no returns were given out during the election.

AT GLIDDEN, TEXAS, on July 5, 1941.

JAKE G. OBENHAUS, an election clerk, advised that the voting took place at the local Baptist Church between the hours of 8 A. M. and 7 P. M.; that the polls closed promptly at 7 P. M., none voting thereafter; and that the ballots on which the other political parties were not scratched were discarded, there being no ballots on which the names of two candidates of the same party remained. Mr. OBENHAUS kept two poll lists and two tally sheets. He advised that the votes were counted at 11 A. M., 4 P. M., and just before 7 P. M., and that during this counting, all three officials were present. He stated that their work was completed at 7:30 P. M.; that the ballot box was locked; and that he himself carried the box across the street to the home of NOLA OBENHAUS, in her presence. He further advised that nobody communicated with him in an attempt to hold up the returns. Mr. OBENHAUS said that at noon he was alone at the voting place for a very short period of time. He gave the following signed statement which reflects his conduct during this short period. The original statement is being retained in the files of the Houston Office.

"Glidden, Texas,
July 5, 1941.

"I make this statement to D. J. Flickinger who I know is a Special Agent of the F.B.I. I make this statement voluntarily and with no threat of force or violence and knowing that it can be used in court against me. No promises have been made me.

"I wish to state that on June 28, 1941, that I was by myself in the voting place, Baptist Church near noon for not over two or

HOUSTON

"three minutes. During this time I sat probably reading but not molesting any of the election boxes or equipment.

"I have read the above statement and state that it is true.

/s/ Jake G. Obenhaus

Witness

/s/ D. J. Flickinger
F.B.I.

MRS. MABEL WILLIAMS, an election clerk, advised that the polls were open during the hours 8 A. M. to 7 P. M.; that no one voted outside of these hours; and that the work was completed by 7:30 P. M. She recalled that the votes were counted once before noon, once sometime in the afternoon, and again just before closing time. She verified the fact that there were 76 persons who voted and that 15 of these votes were thrown out because the other political parties were not scratched. She saw the ballot box locked and delivered to the Judge's home. Her work was to keep one tally sheet and to record the names of the voters on one poll list. She advised that MRS. NOLA OBENHAUS did the same. Mrs. WILLIAMS also checked to see if those voting were qualified. She stated that no influence was exerted against her to cause the returns to be reported late. She believed the voting to be in order. JAKE G. OBENHAUS, she said, aided the partially blind to vote in the presence of the rest of the officials. No returns were given out during the voting day.

MRS. NOLA OBENHAUS, the Election Judge, gave the same information concerning the election as the two previous officials. She stated that the box was stored in her house after voting until Monday morning when, according to instructions, she delivered it to the County Attorney at Columbus, Texas. She also said that no returns were given out during the election and that nobody communicated with her in an attempt to have the returns delayed.

AT WEIMAR, TEXAS, on July 6, 1941.

OTTO BARTA, Presiding Judge, advised that the election was held in the City Hall between the hours of 8 A. M. and 7 P. M.; that no one voted after 7 P. M.; that the vote was refused to a couple of negro women who claimed poll tax exemption and whom he believed not to be over 60 years of age. He stated that he told these women that if they would swear that they were over 60 years old and sign such a statement that they could vote, but that they would not do this. He also mentioned that a man who had moved in from Lavaca County in February was denied the right to vote as he had not resided in Colorado County for six months. The votes, he said, were counted all day long, starting as soon as there

were 100 votes in the box. The counting was done in a separate, private room on the second floor of the City Building, and those counting were, B. B. BRAUN, F. F. ANDERS, ALBERT BARTA, and HENRY NITSCHMAN, who also kept the poll lists a part of the time. OTTO BARTA stated that no results were given out before the polls closed and that the work in the polls continued until about 7:20 or 7:30 P. M. Mr. BARTA also stated that he himself locked the ballot box, and that Mr. BRAUN accompanied him to his own home with it; and that Monday morning, he delivered the box at 7:45 A. M. to the proper officials at the County Seat. He stated that about 20% of the first hundred ballots had to be discarded as the voters failed to eliminate the candidates on the other political parties. He further stated that he believed that Mrs. WATSON, a clerk, had made an innocent mistake and had made some erasure. Mr. BARTA helped incompetent persons to vote in the presence of the other officials and where the person could not think of the name of his candidate, he read the names of all candidates.

ALBERT F. BARTA, an election clerk, gave essentially the same information as his brother OTTO BARTA. He stated that no one tried to influence him to have the results reported late, and he mentioned that at noon the four people who had been working on the first floor were relieved by the four who had been counting votes on the second floor, and that no votes were counted during this period. Agent FLICKINGER noticed on one of the tally sheets coming from this precinct that O'DANIEL votes had been tallied on the wrong line; that these votes on part of the page had been erased, but that the person tallying the votes failed to turn over to the next page and erase the rest of the votes. Mr. BARTA said that he did not recall making such a mistake, but it was possible that he had done so. This mistake gave to STARK G. NEWSOME JR., a candidate, 13 votes but these 13 votes were added to the 180 votes on the preceding page tallied after O'DANIEL's name and a total of 193 votes were given O'DANIEL. This mistake appeared innocent as the tallies were not directly after NEWSOME's name; the other tally sheet which was in the possession of the County Clerk showed 193 votes for O'DANIEL. Mr. ALBERT BARTA informed that he knew of no returns having been given out during the course of the election.

FRANK F. ANDERS, an election judge and a banker in the town, advised that the only ballots rejected were those on which the names of the other political parties were not marked off, and that there were no ballots where the names of two candidates of the same party remained. He did not know of any results being given during the election. He stated that when the votes were counted, he, Mr. ALBERT BARTA, and Mr. BRAUN were present and part of the time Mr. NITSCHMAN; that the other part of the time Mr. NITSCHMAN recorded names of voters as they came in and checked their names against the poll tax record. Mrs. OSINA, he said, also did the same. Mr. ANDERS advised that he had not been approached by anybody seeking to delay the returns.

MRS. ANNIE OSINA, an election clerk, advised that the polls were open from the hours of 8 A. M. to 7 P. M.; that she herself had no occasions to make any corrections, but that she recalled that Mrs. WATSON erased a name. Mrs. OSINA kept the poll tax list and recorded the names of voters part of the time. She knew of no returns having been given

out during the voting and she saw the box locked. She stated that no one tried to influence her in delaying reporting the results.

HENRY H. NITSCHMAN, an election clerk, advised that his duty was to record the names of the voters and check them against the poll tax list, as well as to aid in counting the votes. He stated that the officials work was completed by 7:30 or 7:45 P. M. He did not personally see the box locked. He also recalled that Mrs. WATSON made an erasure on the list of names. No results were given out during the election, he believed. No one attempted to influence Mr. NITSCHMAN to delay reporting the results.

MISS MARLE WATSON, an election clerk and retired school teacher, advised that she recorded the names of the people coming in to vote and that on one occasion she left out a name, discovered it a minute later and had to erase three or four names so that she could insert the forgotten name in its proper position. She said that this mistake was innocently made. She did not know of any results being given out before the voting was over, and she was approached by no one who tried to influence her to delay the returns.

HOUSTON

The following investigation was conducted on July 5 and 6, 1941, by Special Agent F. E. RODERICK, at Grimes County, Texas.

AT ANDERSON, TEXAS

On July 5, 1941, Mrs. MAGGIE P. RHEIN, Post Mistress at Anderson, Texas, since 1923, advised Agent RODERICK that the recent senatorial election in Grimes County had run "true to form" and that both the County Judge, E. L. DYER, and County Clerk WILL D. SMITH were men who could be fully trusted, and were respected in the community. She stated that the election in Anderson was held in the County Court House in the Court Commissioner's room. On the day that she voted she saw Mr. A. L. BROWN and Mrs. GEORGE SIDDALL acting as clerks at the election polls. Mr. W. E. BAY, a grocery merchant in Anderson was the presiding judge at the election. She informed that there were about 200 qualified voters in her precinct and only 130 voted. She stated that she had heard Mr. BROWN, KENNARD and Dr. M. E. PARKER, of Anderson, Texas, state that there were about 20 votes that were not counted in this election because they were mutilated. She advised that she had no knowledge of any intimidation or discrepancies at Anderson, Texas.

L. S. STAMPLEY, Deputy County Clerk, at Anderson, Texas, on July 5, 1941, informed that the returns in the recent senatorial election were canvassed on July 1, 1941, in the afternoon by the Commissioner's Court. He advised no irregularities or discrepancies were present in this election. He stated that conditions in the county in regards to elections were deplorable about the year 1900, but at present those conditions were changed. He stated that tax collector and assessor W. S. BAKER, in Anderson, Texas, furnished the County Clerk with a list of qualified voters. He, in turn sent, through the Sheriff of the County, the necessary materials for voting to the various presiding judges in the 20 precincts of Grimes County. He furnished the following list of those individuals who were elected presiding judges for the senatorial election:

- | | |
|---------------------------------------|----------------------------------|
| 1. W. E. BAY, Anderson, Texas | 11. LUTHER DANFORD, Roans |
| 2. M. T. McDOUGALD, Iola, Texas | Prairie, Texas |
| 3. A. G. LYLES, Navasota, Texas | 12. P. V. FUQUA, Erwin, Texas |
| 4. MARTIN KLIEN, Plantersville, Texas | 13. SIMON WAGNER, Appalonia, |
| 5. W. E. CLAYTON, Courtney, Texas | Texas |
| 6. J. M. QUINN, Yaraboro, Texas | 14. J. S. WILLIAMS, Cross, Texas |
| 7. E. F. BRACEMELL, Bodias, Texas | 15. L. L. McGEE, Retreat, Texas |
| 8. B. C. THOMAS, Shire, Texas | 16. O. A. HAMILTON, Richards, |
| 9. E. R. CONLEE, Keith, Texas | Texas. |
| 10. W. W. GREER, Carlos, Texas | 17. FRED McGILBERRY, Single- |
| | ton, Texas. |
| | 18. W. D. McCORQUADALE, Mesa, |
| | Texas |
| | 19. J. O. STONEHAM, Stoneham, |
| | Texas. |
| | 20. J. E. MOODY, Piedmont, |
| | Anderson, Texas |

Mr. L. S. STAMPLEY advised that none of the ballot boxes had been returned to him late, inasmuch as it was his understanding that the polls had 72 hours within which to return the ballot boxes to him. He stated that Sheriff EARL HARRIS and Deputy M. E. BAILEY had delivered the poll boxes and the necessary materials to the various precincts. He stated that it was the custom in each precinct to have the presiding judge call the ballot and the other clerks to make the tally and poll lists. The ballot box, once the ballot was inserted in it, was not to be opened, and he informed that he would not open any of these boxes unless through a district court order.

He had in his possession the sealed envelopes containing the tally and poll lists from the 20 precincts, and showed these envelopes to Agent RODERICK. He also showed 18 of the 20 poll boxes, which were under lock and key in the court house. He stated that two of these boxes had been returned on Tuesday, July 1, 1941, later than any of the other boxes and consequently were locked in the County Judge's room in the Court House. He stated that these two boxes had come from Precinct No. 16, Richards, Texas, and Precinct 20, Piedmont, Texas. He advised that the tally and poll lists that were delivered to the County Judge, and were used in the canvassing of the ballots, were under lock and key in the County Judge's desk. It was his understanding that there were about 20 mutilated ballots in Precinct No. 1. Mr. STAMPLEY furnished sample copies of the necessary materials which were placed in each envelope sent the presiding judge of each precinct. These samples are being retained in the Houston Field Office file.

Mr. STAMPLEY advised that in the canvassing of the ballot, it was ascertained that 518 ballots were cast for LYNDON B. JOHNSON; 504 for W. LEE O'DANIEL; 419 for GERALD C. MANN; and 123 for MARTIN DIES. He stated that there was only a difference of four votes for JOHNSON in this count, as compared with that of the unofficial election returns given previously. He stated that no one protested the election to his knowledge, and also that no one communicated with him by telephone or in person requesting that any returns be held up.

AT NAVASOTA, TEXAS

On July 5, 1941, WILLIAM WALTON GREER, Route No. 2, Carlos, Texas, Presiding Judge of Precinct No. 10, advised the Writer that the necessary materials, including one ballot box, was delivered to him by Deputy Sheriff M. E. BAILEY on Thursday, June 26, 1941. He advised that he had appointed the following as clerks to assist him in the election in Precinct No. 10: J. D. SMOOT, Carlos, Texas; Mrs. W. A. BUTTS, also of Carlos, Texas. He advised that there were no irregularities and no discrepancies at the polls during the time of the election. He opened the polls at

HOUSTON

8:00 A.M. in the morning and closed them at 7:00 P.M. The votes were counted everytime there was an accumulation of about eight ballots. The votes were completely counted at 7:10 P.M., on June 28, 1941. He delivered the poll box and the three envelopes with the poll list and tally sheets to Deputy County Clerk L. S. STAMPLEY, at Anderson, Texas, about 2:00 P.M., June 30, 1941. He stated that every ticket at Precinct No. 10 was properly voted, and there were no mutilated ballots. The following is the result of Precinct No. 10: 9, LYNDON B. JOHNSON; 7, W. LEE O'DANIEL; 5, GERALD C. MANN. He stated that no other person was present when the votes were counted, and that no one had telephoned or appeared in person requesting him to hold up the returns from his box. He advised that any election returns in Grimes County are usually put on the screen in the theater in Navasota, and consequently he gave to Mr. C. WEBB the unofficial return of his precinct in order that he might give this information to the NAVASOTA EXAMINER REVIEW. When asked if there was any political faction in Grimes County which would attempt any irregularity in this election, Mr. GREER stated that he could suspect no one, and that at one time he had heard that Precinct No. 4, in Plantersville, and Precinct 13, at Appalonia, had had some irregularities, the nature of which he could not state.

Mr. GREER furnished Agent RODERICK with a copy of the GRIMES COUNTY REVIEW, for July 3, 1941, of which on Page 6, are listed the returns of the election in Grimes County. He advised that he had noted in the paper that JOHNSON had received 5, MANN had received 9, O'DANIEL had received 7, and DIES none. It was his understanding, although he did not have the exact returns with him that this item was incorrect, and that it should have been JOHNSON 9, MANN 5, O'DANIEL 7, and DIES none. The copy of the above article is being retained in the files of the Houston Field Division. AT ERVIN, TEXAS

On July 5, 1941, PERCY VIVIAN FUQUA, Presiding Judge of Precinct No. 12, at Erwin, Texas, advised Agent RODERICK that there were no irregularities, or discrepancies in his precinct during the election. On June 28, 1941, he opened the polls at 7:30 A.M. and closed them at 7:00 P.M. The count of the ballots in this precinct was finished at 7:00 P.M. There were 19 votes cast as follows: 10, LYNDON B. JOHNSON; 8, W. LEE O'DANIEL; and 1 for GERALD C. MANN. The clerks that FUQUA had appointed to assist at the precinct were J. P. FUQUA, his son; W. H. FUQUA, an uncle, and G. P. PEARSON, a second cousin. Each of these three persons submitted a tally in the count. The unofficial returns of this Precinct were given by J. P. FUQUA to Mr. RUBERT BROOKS, at 7:30 P.M., on June 28, 1941. FUQUA advised that no one telephoned him, or appeared in person requesting him to hold up the returns of his election. He stated that no votes in his precinct were mutilated, and no corrections were made in any of the tally or poll lists. He stated that there are

many Polish voters in this precinct, and that a GEORGE SYZNANISKY had appeared requesting to vote, but that his name did not show on the poll list. He stated that he was going to get his receipt for his poll tax and come back to vote, but he did not appear. The previous incident was the only irregularity in the entire election in this precinct.

On June 30, 1941, at 8:00 A.M. P. V. FUQUA delivered the ballot box, and the three necessary envelopes to Deputy County Clerk L. S. STAMPLEY. During the counting of the ballots there was no other person present, and FUQUA counted the ballots while the three clerks made the necessary tally list.

On July 5, 1941, W. F. CLAYTON, Route No. 1, Box 59, Navasota, Texas, Presiding Judge of Precinct No. 5, at Courtney, Texas, advised that there were no discrepancies in the counting of the ballots of this precinct, and that no irregularities occurred during the election. He appointed Mrs. W. F. CLAYTON, Mrs. L. F. JOHNSON, Mrs. C. P. MASON, and Mr. J. C. JOHNSON, (brother-in-law) to assist as clerks. In the counting of the votes he appointed his assistant presiding judge Mr. WILLIAM W. HUDSON. The polls opened at 8:00 A. M., and closed at 7:00 P.M. The votes were counted at various times during the day of the election, only in the presence of the presiding judge, the assistant presiding judge, and the various clerks. Mr. CLAYTON counted the ballots, Mr. HUDSON verified each one, and the four clerks each made a tally sheet and a poll list. The following returns were had in Precinct No. 5: MARTIN DIES 15; O'DANIEL 15; JOHNSON 13, and MANN 9, giving an unofficial total count of 52. Mr. CLAYTON advised that there was one mutilated ballot in the count. On this ballot three names were left, and he had marked the ballot void, and not counted it. Consequently there were 53 on the poll list and 52 ballots on the tally list. He stated that the count was complete at 7:00 P.M., and that he had given to Mr. ROBERT GREENWOOD, of the NAVASOTA EXAMINER REVIEW, the unofficial returns. He advised that Sheriff EARL HARRIS had delivered to him the necessary supplies, including two poll boxes, which he returned about 8:00 A.M., on June 30, 1941, to Deputy County Clerk L. S. STAMPLEY.

Mr. CLAYTON advised that in 1936 he had run for the office of County Judge in Grimes County and was defeated. He had also run in 1930 for Sheriff of the same county, and was defeated. In his experience in these two elections there were no irregularities, or political factions which might cause any discrepancies, and at present he did not know of any that might have appeared in the recent senatorial election.

Mr. CLAYTON advised that he had allowed Mr. and Mrs. E. SAMPSON, whose names were not on the list of qualified voters for Precinct No. 5 to vote in Precinct No. 5. He stated that these two persons had lived in Horne, in Robinson County, Texas, and presented themselves at Precinct 5 with a valid poll tax receipt. He informed that he allowed them to vote because they were presently living in Precinct No. 5, and had not lived in Horne for several months.

HOUSTON

VI
AT YARABORO, TEXAS

J. H. QUINN, Presiding Judge of Precinct No. 6, at Yaraboro, Texas, advised on July 5, 1941, at his home in Yaraboro, that there were no discrepancies, or irregularities during the whole time of the election on June 28, 1941, in Precinct No. 6, in Yaraboro, Texas. The voting polls were held at the Yaraboro Grammar School, and were open at 8:00 A.M., and closed at 7:00 P.M. Mr. QUINN selected the following to assist him at the polls: Mrs. RUBIE COOK, of Yaraboro, Texas, Mr. GEORGE A. MEINEKE, and Mr. JOHN STONEHAM, both of Yaraboro, Texas. There were no mutilated ballots cast, and the following count was given in this Precinct: LYNDON B. JOHNSON, 3; W. LEE O'DANIEL, 3; and GERALD C. MANN, 4; making a total of 10 ballots cast.

Mr. QUINN stated that there were about 35 to 40 qualified voters in Yaraboro, but that there was a lack of interest in this election, which was the reason for the small number of votes cast. He advised that he counted each ballot, and that his assistant presiding judge JOHN STONEHAM, examined the ballots while Mrs. COOK and Mr. MEINEKE each kept two poll lists and two tally sheets. The counting of the votes was finished at 6:30 P.M., previous to the closing of the polls. Mr. QUINN stated that there was one voter, Mr. C. H. BECKER, who could not read or write, and consequently he assisted him in the casting of his ballot. He stated that of the three clerks only GEORGE MEINEKE voted. He advised that he did not know who had delivered the ballot box, or the necessary materials to his home, inasmuch as he was sick in Navasota at the time, which was Thursday, June 26, 1941. He stated he allowed Mr. E. H. YARBORO, former County Clerk, Grimes County Court, to deliver the three sealed envelopes, and the ballot box to the County Clerk in Anderson, Texas. Consequently he did not know the exact time when the ballot box was delivered to the County Clerk. He stated that on the morning of June 29, 1941, he went to Navasota, Texas, to telephone the unofficial returns to the NAVASOTA EXAMINER REVIEW, but was unable to contact anyone there. He stated that no one communicated with him by telephone, or in person, requesting the holding up of the returns from his precinct, and that there was no intimidating of any voters, or attempt to contest this election at his polls. He stated that at the present time he did not feel that there were any irregularities, or discrepancies in any of the precincts in Grimes County, but that about eight years ago, at Plantersville, Texas, there was a corrupt regime which could swing the votes in one way or another.

AT ANDERSON, TEXAS

On July 6, 1941, Special Agent RODERICK again interviewed L. S. STAMPLEY, who advised that the GREENWOOD and STEVENSON family

had principally controlled the Polish and the German vote in Grimes County about eight years ago, but that that situation did not exist any longer. He stated that he thought Mr. STEVENSON, who had had influence in the Plantersville precinct was now living in Houston, Texas. He advised that any irregularities that may have occurred in the election were in the technicalities used by the various presiding judges in the precincts, due to lack of the exact knowledge of the Texas election laws, and not from any intent to create discrepancies in the counting of the ballots.

AT SINGLETON, TEXAS

On July 6, 1941, WILL D. SMITH, County Clerk for Grimes County, Texas, while at his home, advised Agent RODERICK that he was appointed on January 1, 1941, as the County Clerk, and that he knew very little about election procedures inasmuch as the recent senatorial election was his first one. He advised the Deputy Clerk L. S. STIMPLEY had done most of the work because he was more experienced in it. He stated that Deputy Sheriff M. E. BAILEY did most of the work in delivering all the necessary ballot materials and ballot boxes. He stated that on Tuesday, July 1, 1941, his office had received a telegram from LYNDON B. JOHNSON, Senatorial candidate, requesting the complete election returns. Inasmuch as the Ballot Box from Precinct No. 15, at Retreat, Texas, was outstanding at the time, he stated that he was about to make a trip there to obtain this box in order to answer Mr. JOHNSON's request, when L. L. McGEE, Presiding Judge, Precinct No. 15, came in about 11:00 A.M., July 1, 1941, with the ballot box, and the three necessary sealed envelopes. McGEE stated that he had not turned in the box earlier because his son had been using his car, and he was unable to obtain any transportation to the County Court House in Anderson. Mr. SMITH stated that he did not know exactly when the votes were canvassed but that it was sometime during the afternoon of July 1, 1941. He stated that the only other person who requested an official return of this county was Mr. ROBERT BROOKS, of the NAVASOT. EXAMINER REVIEW, but that he was unable to give him those returns. He advised that the only other box that came in late was the one from Precinct No. 16, at Richards, Texas, which was delivered at the County Court House about 12:30 P.M., July 1, 1941.

Mr. SMITH stated that he did not know of any presiding judge in Grimes County who possibly would have committed any discrepancies or irregularities in the counting of the ballots. He said that inasmuch as he was not fully acquainted with all the duties of his office in elections, that Mr. L. S. STIMPLEY did most of the work because he was familiar with the practices. He advised that at one time there was a GREENWOODS and STEVENSON family, which in many state elections, did in the past commit irregularities in the counting of the ballots, but that that situation no longer existed. He knew of no one person

attempting to communicate by telephone, or contact in person, any of the precinct officials requesting them to hold up the returns from their boxes.

AT SHIRO, TEXAS

On July 6, 1941, D. C. THOMAS, Presiding Judge of Precinct No. 8, at his home in Shiro, Texas, advised the Writer that there were no irregularities, or discrepancies in the counting of the ballots at the recent senatorial election in his precinct. He stated that he had opened the polls at 8:00 A.M., and closed them at 7:00 P.M. The following persons, who are kinfolks, assisted him at the polls: Mrs. W. J. ROKE, Mrs. ELLA WINGARD, Mrs. ELOISE THOMAS, and Mr. R. H. OLIPHANT, Mr. E. E. JOLLY, and Mr. FRED FOSTER, all of Shiro, Texas. The count of the ballots was finished about 7:10 P.M., and the following is the result: W. LEE O'BANIEL, 40; LYNDON B. JOHNSON, 30; GERALD C. MANN, 29; MARTIN BIES, 6; SAM MORRIS, 1. 108 persons voted at the Precinct and two failed to scratch enough names on the ballot. Consequently there were two mutilated ballots. Mr. THOMAS counted the ballots at various times when there was an accumulation of about 15. He stated that he counted the vote, one of the appointed clerks verified it, and three others checked tally and poll lists. He stated that upon the close of the election he took the ballot box with him to his home, and delivered the ballot box and the necessary envelopes at 8:00 A.M., June 30, 1941, to Deputy County Clerk L. S. STIMPLEY. He stated that there were about 150 qualified voters in his precinct, but that because of a lack of interest in this election, about 108 persons voted. There was only one person whom he assisted in making his ballot, a J. H. FRANKLO, whom he assisted because of his nearsightedness.

The election box and the necessary materials were delivered to Mr. THOMAS by HENRILL WILSON, the Grimes County Treasurer. Mr. THOMAS stated that there were no corrections made in the counting of the ballots; that there was no intimidation of any voters, and no irregularities in the election to his knowledge. No one communicated with him by telephone, or in person, requesting him to hold up his returns of the precinct. He stated that he phoned the unofficial returns of his precinct to Mr. BROOKS, of the MAVASOTA EXAMINER REVIEW, from Mr. OLIPHANT's Drug Store. He stated that a woman reporter, name unknown, from the MAVASOTA EXAMINER REVIEW, later came to OLIPHANT's Drug Store to pick up those unofficial returns. He also informed Agent that about 12 years ago there was a political faction in Plantersville that could swing the election boxes at the precinct the way they wanted, but that that situation no longer existed.

HOUSTON

AT ROANS PRAIRIE, TEXAS

On July 6, 1941, LUTHER DANFORD, Presiding Judge of Precinct No. 1, at Roans Prairie, Texas, advised Agent RODERICK that there were no irregularities in the count of the ballots in his precinct, and that to his knowledge, there was no discrepancy in this election. He opened the polls at 8:00 A.M. and closed at 7:00 P.M. The clerks who assisted him were Mr. SAM DAVIS, Mr. CLARENCE FLOYD, and Mr. OREN MCINTYRE. The votes were counted only in the presence of these individuals and no other persons. There were 36 persons who voted, there were no mutilated ballots, and the count was finished at 7:10 P.M. There were no variances in the poll list, and there were no corrections made. Mr. DANFORD called the ballots, and three tally sheets and poll lists were kept by the three clerks. He stated that he brought the sealed envelopes, and the ballot box home, and turned these in to Deputy County Clerk L. S. STAPLEY at 3:00 P.M., June 30, 1941. He advised that no person communicated with him by telephone, or in person, requesting him to hold up the election returns of his box. No voters were intimidated at the election, and no one protested the returns. There were no mutilated or spoiled ballots in the election at this precinct.

Mr. DANFORD stated that he was not altogether familiar with the election laws of the State of Texas, and he felt that that might be the situation with other presiding judges, but he was fully assured that there was no intent on the part of any to cause any irregularities or any discrepancies in the counting of their ballots in Grimes County. He admitted that there was very little interest in this election.

AT SINGLETON, TEXAS

FRED H. MCGILBERRY, Box No. 51, Singleton, Texas, while at his home, advised Agent RODERICK that he was appointed about four years ago as presiding judge of Precinct No. 17, in Singleton, Texas. He informed that during this time, and especially in the recent senatorial election, that there were no irregularities in the counting of the votes, or any discrepancies, and that it was his intent to have a fair election each time. He stated that in the recent senatorial election he opened the polls at 8:00 A.M., and closed them at 7:00 P.M. The counting of the ballots was completed at 7:10 P.M. The following assisted him in the election: Mrs. J. C. CRUTCHFIELD, Mrs. S. S. CRUNDWELL, Mrs. SALLY C. POLK. The votes in this precinct were counted from time to time as they came in. There were 38 on the poll list, and 37 ballots were counted. There was one mutilated ballot which was not counted. The following is the results of Precinct No. 17: W. LEE O'DANIEL, 15; LYNDON B. JOHNSON, 13; GERALD C. MANN, 8; MARTIN DIES, 1. Deputy Sheriff M. E. BAILEY delivered the poll box and the necessary supplies to Mr. MCGILBERRY's home, and he delivered the necessary sealed envelopes, and the sealed ballot box to Deputy County Clerk L. S. STAPLEY, on June 30, 1941, at 8:30 A.M. Mr. MCGILBERRY stated that he gave unofficial returns of this election to the GRIMES COUNTY REVIEW by telephone. He stated

that there was no intimidation of any voters in these polls, and that no corrections were made during the count of the ballot. He advised that no one communicated with him by telephone, or in person, requesting him to hold up the returns of his box. He advised that there were four or five persons who could not read or write, and he assisted them in casting their ballots. He stated that there was very little interest in this election, and he knew of no factions in Grimes County which would attempt to change the election in any way or manner. He stated that in Singleton, Texas, there was very little campaigning, and there was no one person attempting to stir up votes.

AT ANDERSON, TEXAS

On July 6, 1941, Mr. WILLIAM E. BAY, Presiding Judge for Precinct No. 1, at Anderson, Texas, advised that he had opened the polls of his precinct at 8:00 A.M., and closed them at 7:00 P.M. The following persons assisted him in the election: Mr. A. L. BROWN, Mrs. GEORGE SIDDALL, Mrs. FELIX MORAN, and Mrs. H. MAYFIELD. The counting of these ballots was made only in the presence of these individuals, and no other persons were there to contest the ballot, or to intimidate any voters while Mr. BAY was present. He advised that inasmuch as he was very busy on June 28, 1941, at his grocery store, that he was not present at the polls every minute of the day, because part of his time had been spent in the grocery store. He stated that he did not deliver the ballot box, or the necessary sealed envelopes to the County Clerk until 8:00 A.M., July 1, 1941, because he had forgotten to on June 30, 1941. During this time the box and the necessary envelopes were kept in his grocery store all the time. He stated that Mrs. MORAN kept the necessary poll list while Mrs. SIDDALL, and Mrs. MAYFIELD kept the tally lists individually. The counting of the ballots was completed at 7:15 P.M., on the date of the election. Mr. BAY stated that during the early part of the election that there were many mutilated ballots, and that inasmuch as he did not know exactly how to count them, that he had telephoned Mr. A. G. LYLES, Presiding Judge of Precinct No. 3, at Navasota, Texas, requesting his advice as to the counting of a mutilated ballot. Mr. LYLES advised him that a mutilated ballot, which was one where more than one name was left unscratched, were to be thrown out and not counted. Consequently, in Precinct No. 1, there were 21 mutilated ballots. The following were the returns, as given by Mr. BAY through memory: LYNDON B. JOHNSON, 60; GERALD C. MANN, 43; W. LEE O'DANIEL, 21; MARTIN DIES, 7. There were 151 votes on the poll list, and 130 votes were counted. There were no corrections, no erasures on the ballots, and there was no intimidation of any of the voters in this precinct.

AT NAVASOTA, TEXAS

On July 6, 1941, Mr. A. G. LYLES, Box No. 845, Presiding Judge at Navasota, Texas, advised that there were no irregularities, and no discrepancies at Precinct No. 3, during the recent senatorial election. Mr. LYLES opened the polls at 8:00 A.M., and closed them at 7:00 P.M. The clerks who assisted in this election were Mrs. J. R. RANDOLPH, assistant presiding judge, Mrs. S. A. JONES, and Mrs. C. C. STONE, of Bryan, Texas; and Mrs. TRANNIE FRANKLOW, of Navasota, Texas. Mrs. RANDOLPH and Mrs. S. A. JONES are both of Navasota, Texas. There were 472 votes polled in this precinct, and 29 votes were not counted because they were mutilated.

The final returns of this precinct are as follows: LYNDON B. JOHNSON, 153; GERALD C. MANN, 150; MARTIN DIES, 51; C. DANIEL, 87; SAM MORRIS, 1; JOSEPH C. BEAN. Mr. LYLES advised that there was no intimidation of any of the voters in this election, and that the votes were counted only in the presence of the clerks, and that the counting of the ballots was completed at 7:30 P.M. He stated that he left the poll box in the Navasota City Hall in the Secretary's Office, on the evening of June 28, 29, 1941, and on Monday, between 9:00 and 10:00 A.M., he returned them to the County Clerk's at Anderson, Texas. He advised that Sheriff EDDIE HARRIS delivered the necessary supplies to him on Tuesday, and that there were no discrepancies to his knowledge in any of the precincts in Grimes County. He advised that no one communicated with him by telephone, or in person, requesting him to hold up the returns of his box. He stated that upon the completion of the counting of the ballot, that he announced the unofficial returns to several persons there awaiting at the Precinct. At 11:00 A.M., June 29, 1941, he reported the unofficial returns to the NAVASOTA EXAMINER REVIEW.

The following investigation was conducted by Special Agent WILFRED H. ERFIN on July 5th and 6th, 1941, in Hardin County, Texas:

RICHARD J. CROW, Postmaster at Kountze, Texas, was interviewed on July 5, 1941, at his Post Office. He advised that T. M. JORDAN is the County Clerk of Hardin County and described him as being honest, trustworthy, and reliable. He stated that JORDAN is a former County Attorney of Hardin County and is well regarded by the people in the community.

MR. CROW stated that ALF ROARK is the County Judge of Hardin County, who is now serving his first term as judge, having been a former member of the Texas State Legislature for one term. He described JUDGE ROARK as a very honest and reliable man and stated that he is the son of one of Hardin County's best physicians.

MR. CROW advised that he believed that the election in the county was conducted in a proper manner and that it was thoroughly honest. He said that about 300 votes were cast in Precinct Number One, located in the city of Kountze, and that the final count was announced at about 3:00 P.M. on election day. He added that there was no correction in the count as originally announced. MR. CROW stated that he does not take an active part in political campaigns in the county and consequently does not know whether or not there was any unfairness in the selection of the election officials. He did state, however, that he is well acquainted with all of the election officials in Precinct Number One and that they are all honest and trustworthy people. He said that WILLIAM C. BROWN, who was the Presiding Judge of that precinct, is an old resident and has had a great amount of experience in holding elections. He advised that he is sure that he conducted the election in that precinct in an efficient and proper manner.

MR. CROW advised that H. M. BRIGGS, JR., who is the son of the local District Attorney, operates the Hardin County Record, which is the only local newspaper. He added that this paper was predominantly in favor of LYNDON JOHNSON in the campaign. He also stated that BRIGGS, in his opinion, is not reliable and could not be trusted with confidences.

T. M. JORDAN, County Clerk of Hardin County, was interviewed on July 5, 1941, at his office in the County Court House at Kountze, Texas.

When approached by the writer he expressed some reluctance to discuss the election and stated that the election was over so far as he was concerned, the results were tabulated, and that he did not see any use in going over the matter. The writer explained that the inquiry was being conducted at the request of the United States Attorney General. MR. JORDAN then consented to give a few minutes of his time, although he added that he was very busy. The writer offered to return at MR. JORDAN'S convenience. However, he declined saying that he closed his office at noon on Saturday.

MR. JORDAN explained that the election officials are appointed in February of each year by the County Commissioner's Court and that a Presiding Judge is appointed at that time for each of the fourteen precincts in the county. He explained that the Presiding Judge in turn appoints his own clerks. He added that the four precincts in the county which has the largest vote in each election are located at Kountz, Silsbee, Saratoga and Sour Lake. MR. JORDAN was then requested by the writer to outline briefly the steps, in chronological order, that are followed from the time a voter marks his ballot until the ballot box is placed under the custody of the County Clerk. In reply to this request he stated that the voting is usually done in the schoolhouse in each precinct and that the Presiding Judge usually appoints one or more of his assistants, or clerks, to assist the voters in marking their ballots. He explained that assistance is given to elderly people who do not understand how to mark their ballots, but that they are not told how to vote or what candidate to vote for. He stated that the voter is handed a ballot when he enters and establishes his right to vote. He said that the clerk who has charge of handing out the ballots usually knows most of the voters and only requires those whom he does not know to exhibit their Poll Tax receipts. He added that if a voter is over sixty years of age he is not required to exhibit his Poll Tax Exemption Certificate, but that he is required to make an affidavit as to his age in the event the clerk does not know how old he is. He stated that the voter marks his ballot, folds it, and then hands it to the Presiding Judge of the precinct, who in turn hands it to a clerk to be marked and the vote called out for the respective candidate. The ballot is then placed in the sealed ballot box. MR. JORDAN advised that the polls are closed at 7:00 P.M. and the

remainder of the votes are counted. He explained that the count is made throughout the day and that there are usually only a very few votes left to be counted at the time the Polls are closed, which enables each precinct to have the final count tabulated by about 8:00 P.M., one hour after the closing of the Polls. He stated that after the votes are counted the Presiding Judge then makes out and signs the returns in triplicate, which show the total votes cast and the total vote cast for each candidate, whereupon one set of returns is sealed in each of three envelopes which are sent to the County Judge, the County Clerk and the Presiding Judge of that Precinct, respectively. He added that the Presiding Judge signs these returns in the presence of all of the clerks and merely keeps one copy for himself. He stated that the ballot boxes are required to be delivered to the County Clerk, sealed, within ten days after the closing of the Polls and that the envelopes containing the results of the election must be delivered within seventy two hours after the closing of the Polls.

MR. JORDAN stated that the requirements with regard to the delivery of the sealed envelopes and the ballot boxes were all followed in this election by each of the fourteen precincts and that no late returns were made. He said that the precinct of Honey Island and the precinct of Vataw each made the mistake of placing the sealed envelope addressed to the County Clerk in with the ballots in the sealed ballot box.

MR. JORDAN stated that he was therefore forced to break the seals on these boxes and remove the envelopes. He added that he did not disturb any of the ballots and that he immediately locked the boxes again. He showed the ballot boxes to the Agent who observed that they are being kept in the corner of the County Clerk's office, outside of the railing and near the outer doorway. He stated that he is required to keep these ballot boxes in his custody, unopened, for a period of sixty days after the election at which time the ballots may be removed and destroyed. MR. JORDAN stated that he was not sure of the exact period that these boxes are required to be kept by him, but believed that it was sixty days. It was later ascertained by the Agent that the boxes are required to be kept unopened for a period of twelve months whereupon the Agent advised the County Clerk of that fact.

MR. JORDAN explained that the votes are required by law to be canvassed by the County Commissioners and the County Judge at the first meeting of that body that is held after the election. He stated that this meeting was held in this election on Monday, June 30th, 1941, inasmuch as the election was held on Saturday, and that another meeting was held on Tuesday inasmuch as the ballot boxes and the returns from one or two of the outlying precincts were not in at the time of the first meeting of the Commissioners. He said that these returns were not late under the election law requirements, but that they were later than the other twelve precincts. He said that the County Judge could advise as to which two precincts were the latest in getting their returns in.

MR. JORDAN advised that the ballot boxes are never opened until the time has expired during which they are to be kept under his custody, except in the case of a contested election. He added that the official canvass held by the Commissioner's Court tallied exactly with the results as announced by the respective precincts and that no corrections were made so far as he knows. He also stated that the number of persons shown to have voted by the poll lists tallied exactly with the number of persons shown to have voted for the several candidates, with the exception of those votes which were thrown out because of incorrect marking of ballots, which was a small figure. He further stated that there was no evidence that any of the tally sheets had been tampered with, that they had been altered in any way, or that any spoiled ballots had been counted.

It was noted by the Agent that several of the sealed envelopes which had been delivered to the County Clerk by the precincts had not been opened by him, and that he opened two of them in the presence of the Agent.

MR. JORDAN advised that the names of the election officials for the various precincts could be obtained from the County Judge. He added that no evidence of any irregularity of any kind in this election had come to his attention. He supplied the name of MR. WILSON, of Silsbee, Texas, whom he said is employed by the Texas State Election Bureau. He said that WILSON always make arrangements at each election to have the results of the voting in each precinct telephoned to him at Silsbee as soon as the official count

is available and that he then telephones these results to Austin, Texas as soon as he gets them. He stated that he does not believe that WILSON has ever attempted to obtain the results of the election before the polls close at 7:00 P.M. He added that no returns of the number of votes cast for any candidate were given out by any of the precincts prior to the closing of the polls so far as he knew.

JUDGE ALF ROARK, County Judge of Hardin County, was interviewed on July 5, 1941, at his office in the Court House in Kountze, Texas. He stated that he resides at Silsbee, Texas.

JUDGE ROARK remarked that the vote cast in this election was much smaller than in most elections due to the fact that many of the people had failed to pay their poll tax, this being a special election. He stated that he has not discovered any evidence of any irregularity in the election so far as Hardin County is concerned. He said that the complete returns for the county were held up until Tuesday A.M., July 1, 1941, due to the fact that Chance Precinct, Number Four, failed to get their returns in until Tuesday morning. He stated that this was within the legal requirements, but that most of the precincts had their returns in by Monday due to the fact that such a small vote was cast. He added that he is well acquainted with J. W. TRAHAN, the Presiding Judge of Chance Precinct, and W. M. CHANCE, the Assistant Presiding Judge of that precinct, and that he is absolutely sure that the returns from this precinct were not held up deliberately by them. He stated that he believed that Mr. TRAHAN simply waited until he had occasion to come in to town to bring in the returns rather than to make a special trip with them. JUDGE ROARK said that he has absolute faith in the honesty of the officials of this precinct. He added that candidate O'DANIEL led the vote in this precinct by a very small majority.

JUDGE ROARK advised that it is impossible to tell whether or not there were any spoiled ballots which were counted as votes for any candidate. He explained that the only way that this could be determined would be to open the ballot boxes and examine the ballots, which he said could not be done unless the ballot boxes are ordered opened by the proper authorities. He added that the Commissioner's Court does not examine the tally sheets. He advised that there were no evidences that any of the tally sheets

for any of the precincts had been altered or tampered with in any way. He stated that the election officials in the various precincts are the same persons who have served year after year and that they are therefore fully competent to handle the elections. He stated that only one precinct had a different Presiding Judge in this election, due to the fact that the former Presiding Judge in that precinct had failed to pay his Poll Tax for this year.

JUDGE ROARK supplied the following list of the number of mutilated ballots according to the reports turned in by the precincts:

KOUNTZE	3
CHANCE	5
SOUR LAKE	3
SARATOGA	9
LOEB	3
GRAYBURG	0
BATSON	11
VILLAGE MILLS	0
FLANK	0
SILSBEE	39
CANEY HEAD	6
VOTAW	0
HONEY ISLAND	2
WHITE OAK	1
TOTAL	82

JUDGE ROARK stated that Grayburg Precinct, which had no mutilated ballots, was the only precinct in the county which gave Candidate JOHNSON a majority over the other candidates. The vote was 8 for JOHNSON and the next highest was Candidate O'DANIEL, with 3 votes. JUDGE ROARK remarked that in his opinion the voters who voted for CANDIDATE O'DANIEL are the voters who are most likely to have mutilated their ballots.

JUDGE ROARK supplied the following names of the officials of the various precincts of Hardin County, together with the total vote cast:

Precinct Number One - Kauntze

WILLIAM C. BROWN, Presiding Judge
MRS. J. H. WILLIFORD, Clerk
MRS. J. J. ALLUMS, Assistant Judge
MISS LOIS WAME, Clerk
MRS. MARY CHOW, Clerk
MRS. A. T. STEVENS, Clerk
MRS. J. D. HORN, Clerk
MR. J. T. CRUSE, Clerk

Total vote - 291

Precinct Number Two - Silsbee

LESTER D. SELF, Presiding Judge
H. L. NASH, Assistant Judge
LEE SMILEY, Assistant Judge
O. C. MILLER, Clerk
FLETCHER RICHARDSON, Clerk
MRS. C. T. MCGINTY, Clerk
MRS. CRISTENE GOSSETT, Clerk
MRS. MARY E. SHEFFIELD, Clerk
MRS. LEON JENNINGS, Clerk

Total vote - 536

Precinct Number Three - Caney Head

C. T. GORE, Presiding Judge
O. B. CARAWAY, Clerk
O. L. CALLOWAY, Clerk

Total vote - 36

Precinct Number Four - Chance

J. W. TRAHAN, Presiding Judge
W. M. CHANCE, Assistant Judge

PAUL A. BABIN, Clerk
MRS. LINDA WALTON, Clerk

Total vote - 60

Precinct Number Five - Loeb

W. A. TANNER, Presiding Judge
C. S. BEARD, Clerk
MRS. LULA RODEN, Clerk
MRS. A. L. HASON, Clerk

Total vote - 64

Precinct Number Six - Flank

MRS. N. S. SLOCUM, Presiding Judge
GEORGE WILLIAMS, Clerk
BEN HOLLAND, Clerk
MRS. BEN HOLLAND, Clerk

Total vote - 23

Precinct Number Seven - Village Mills

J. E. WIGGIN, Presiding Judge
J. B. WALES, Clerk
J. E. WADDELL, Clerk

Total vote - 63

Precinct Number Eight - Honey Island

A. A. HENDRIX, Presiding Judge
JOHNNIE MILLER, Assistant Judge
MRS. ALICE SMITH, Clerk
MRS. MARVIN WELCH, Clerk

Total vote - 73

Precinct Number Nine - White Oak

PERRY MOYE, Presiding Judge
MRS. EDDIE LOFTIN, Clerk
WILEY LOFTIN, Clerk
MRS. MARY COLLINS, Clerk

Total vote - 38

Precinct Number ten - Votaw

H. B. VARNEN, Presiding Judge
E. L. TEAL, Clerk
H. DEAN, Clerk

Total vote - 47

Precinct Number Eleven - Saratoga

T. F. TEAL, Presiding Judge
MRS. CLARA WHITE, Clerk
MRS. STANLEY MORGAN, Clerk
MRS. F. J. MILLER, Clerk

Total vote - 165

Precinct Number Twelve - Eaton

H. A. HEFNER, Presiding Judge
C. F. DANIEL, Clerk
M. E. KENNEDY, Clerk
A. T. KINDLE, Clerk

Total vote - 87

Precinct Number Thirteen - Sour Lake

T. H. CHILDRESS, Presiding Judge
VERNON J. BENNETT, Assistant Judge

MRS. GLEN BENNETT, Clerk
MRS. MARY HARDY, Clerk

Total vote - 335

Precinct Number Fourteen - Grayburg

MRS. F. S. WILSON, Presiding Judge
AUBREY MCGEE, Clerk
MRS. ROSE SHORT, Clerk
MRS. M. M. FLOYD, Clerk

Total vote - 33

JUDGE ROARK stated that Grayburg Precinct had a total vote of 33 and that the qualified voters listed on the Poll Tax list showed only 7 for this precinct. He explained that even though this appears that some persons voted who had no right to vote, the fact is that the Poll Tax list does not accurately reflect the qualified voters in any one precinct. He stated that many persons who live at Grayburg went over to Sour Lake and paid their Poll Tax and that the Poll Tax receipt is made out at Sour Lake and is recorded in the Sour Lake list. Therefore, when a person presented himself at a polling place and showed a Poll Tax receipt he was allowed to vote, if he resided in that precinct, regardless of where he paid his Poll Tax. JUDGE ROARK advised that this situation existed primarily in Grayburg and Chance precincts.

JUDGE ROARK supplied the following list of Precincts showing the number of persons who paid their Poll Tax in each precinct and the number who were exempt from the Poll Tax. He explained that this list does not include persons over 60 years of age who voted, inasmuch as they are not required to present a tax exemption certificate:

<u>PRECINCT</u>	<u>POLL TAX PAID</u>	<u>EXEMPTIONS</u>
Kountze	304	2
Silsbee	652	12

<u>PRECINCT</u>	<u>POLL TALL PAID</u>	<u>ELECTIONS</u>
Caney Head	27	1
Chance	50	1
Loeb	79	1
Plank	29	
Village Mills	41	
Honey Island	84	
White Oak	38	
Votaw	34	
Saratoga	168	3
Batson	113	3
Sour Lake	329	
Grayburg	14	

LESTER D. SELF, Presiding Judge of Precinct Number Two, resides at Silsbee, Texas, and was interviewed on July 5, 1941, at the Silsbee State Bank. He advised that he is the Superintendent of Schools at Silsbee and that he has served as Presiding Judge of all elections held at Silsbee for the past fifteen years. He stated that he studied the election laws carefully and that he believes that he conducted the election in accordance with these laws. He advised that he was particularly careful to see that no votes were counted if more than one name was left unscratched on the ballot. He explained that his carefulness resulted in throwing out 39 votes in that precinct, which was a larger proportionate number of votes thrown out than existed in any other precinct to his knowledge. He stated that the count was finished at about 7:30 P.M. on election day and that the polling place, which was the high school, was closed at about that time. He advised that he sealed up the returns in the three envelopes as is required by law, in the presence of all of the clerks, and that he then took these envelopes together with the ballot boxes to his home where he kept them in his custody until he delivered them to the County Clerk at Kountze, Texas, on Monday morning, June 30, 1941. MR. SELF stated that no corrections were made after the final count was tabulated at about 7:30 P.M. and that no returns were given out prior to the closing of the polls at 7:00 P.M. He further stated that no one communicated with any of the officials at the polling place about holding up the returns from that precinct. MR. SELF also advised that the tally sheets in his precinct were not altered or tampered with in any manner to his knowledge.

HOWELL L. NASH, Assistant to the Presiding Judge of Precinct Number Two, resides at Silsbee, Texas, and was interviewed at his residence on July 5, 1941. He stated that he is the Baptist Minister at Silsbee and has been a minister for the past thirty two years. He said that he has served as assistant to the Presiding Judge of Precinct Number Two in each election for the past seven years and that he therefore believes that he is familiar with the proper manner in which to conduct an election. He advised that all ballots which had more than one name left unscratched were thrown out and were not counted. He stated that many people spoiled their ballots by leaving the names on the Republican, the Independent and the Communist Party instead of scratching them all out as they were instructed to do.

He stated that a tally was kept of the votes cast all during the election day and that very few votes remained to be counted at 7:00 P.M. which resulted in the final count being available a few minutes after 7:00 P.M. MR. NASH advised that after the final count was made, the envelopes to the County Clerk and the County Judge, containing the returns, were sealed up by Presiding Judge L. D. SELF, in the presence of all of the clerks, and that MR. SELF then took them together with the ballot boxes to his home where he kept them until Monday morning at which time he took them to the County Clerk. He stated that there were no corrections made in the count, that no one gave out any returns before the polls were closed and that no one communicated with any official at the polls about holding up the returns after the polls closed.

EDWARD M. WILSON, JR., Post Office Box 252, Silsbee, Texas, who is employed at the Silsbee State Bank, was interviewed on July 5, 1941, at the bank. He advised that he is the Hardin County representative for the Texas Election Bureau which he explained is a bureau sponsored by the newspapers and radio stations of Texas which is maintained at election time for the purpose of getting the returns for the various precincts as quickly as possible for release to the newspapers and radio stations.

He stated that he goes out before election day and makes arrangements with one person in each precinct for that person to telephone the result of the voting in that precinct to him as soon as the results are available in that precinct. MR. WILSON said that all

precincts in Hardin County reported the results of the voting without any unnecessary delay, with the exception of Chance Precinct, which did not get the results in until Tuesday A.M., July 1st. He advised, however, that he is well acquainted with J. W. TRAHAN, the Presiding Judge of Chance Precinct, and knows Mr. TRAHAN to be a very reliable and honest man. He said that the reason that the Chance Precinct returns are usually later than the others in being reported is that Mr. TRAHAN is so careful about the results being correct that he generally counts the votes over several times to be sure that the count is absolutely correct before he submits the results to the County Clerk. Mr. WILSON advised that he is sure that Mr. TRAHAN would be very careful to throw out all mutilated ballots and would also be very careful to count all ballots that should be counted.

He further stated that he does not know of any irregularities in the election. He added that he would certainly advise the Agent of any irregularities if he did have knowledge of them, inasmuch as his candidate did not succeed in the election.

WILLIAM C. BROWN, Presiding Judge of Precinct Number One, was interviewed at his residence, on July 5, 1941. He lives on a farm located about four miles East of Kountze, Texas. He stated that he has resided on this farm for many years and that he has served as Presiding Judge in Hardin County elections for several years, about eight or ten elections in all. He stated that the figures on the tally sheets all checked perfectly with the votes cast and that the tally sheets showed no evidence of having been tampered with in any manner. He said that no returns of the vote for any particular candidate were given out prior to the closing of the polls and that no one communicated with any of the election officials about holding up the returns.

He stated that no spoiled ballots were counted where the intention of the voter could not be determined from an examination of the ballot. He explained that there were at least two or three instances in which the voter failed to scratch out all except one name on the ballot. He advised that in each of these instances the voter scratched out all except one of the names in the Democratic Party list, but failed to scratch out any of the other names on the ballot. Mr. BROWN said that in these cases, he was

able to determine that the intention of the voter was to cast his vote for the candidate whose name was left unscratched in the Democratic column and that the voter did not intend to cast a vote for the candidates listed in the Independent, Republican and Communist columns on the ballot. He said that these votes were therefore counted for the Democratic candidate whose name was left unscratched. However, MR. BROWN stated that in those cases where the voter left more than one name unscratched in the Democratic column the ballot was thrown out and was not counted. He explained that it was impossible to tell from the ballot in those cases which Democratic candidate the voter intended to vote for.

MR. BROWN said that he has a copy of the election laws and that the laws provide that the Presiding Judge may count a ballot as a vote, even though more than one name is left unscratched, providing that he can ascertain from the ballot just what the intention of the voter was in marking the ballot.

MR. BROWN related one instance in which an elderly man handed in his ballot and that it was observed that he had scratched out all except one candidate in the Democratic column, but had failed to scratch out any of the names in the other columns. MR. BROWN stated that he called to this voter to come back and correct his ballot, but that the voter did not hear him, due to deafness, and walked in out of the polling place. He said that this man's vote was nevertheless counted as a vote for the candidate which was left unscratched in the Democratic column, because it was obviously his intention to vote for that candidate rather than for one of the candidates in the other parties.

MR. BROWN's attention was called to the fact that there were 39 spoiled ballots out of 536 votes cast in Silsbee Precinct while there were only 3 spoiled ballots out of 291 votes in Kountze Precinct. He replied that this was undoubtedly due to the fact that the ballots were counted in Kountze Precinct where the intention of the voter could be determined, even though more than one name was left on the ballot. He further stated that he instructed all of his clerks, before the polls opened, that any ballot would be counted if he could determine the intention of the voter, regardless of whether or not all the names were scratched out.

MR. BROWN advised that the polls were closed at 7:00 P.M. and that the final count was tabulated at about 8:00 P.M. at which time the polling place was locked and he took the sealed envelopes and the ballot boxes to the Sheriff of Hartin County and instructed him to keep them until Monday and then deliver them to the County Clerk. He advised that all of the clerks were present during the counting of the ballots and that all were present when the envelopes were sealed and addressed to the County Judge and the County Clerk.

MRS. MARY CROW, who was one of the clerks at the election in Precinct Number One, at Kountze, Texas, was interviewed at her home at Kountze on July 5, 1941. She stated that MR. BROWN, the Presiding Judge, instructed all of the clerks that he intended to count all ballots which were voted with more than one name left unscratched if he could determine which candidate the voter intended to vote for by an examination of the ballot. She stated that all of the clerks and officials were present when the votes were counted and that the envelopes were sealed in their presence, after which MR. BROWN took the envelopes and the ballot boxes with him to the Sheriff's Office.

MRS. CROW said that she acted as one of the clerks in charge of keeping the tally sheets during the voting and that she did not observe any tampering with any of the tally sheets at any time. She said that no returns were given out prior to the closing of the polls so far as she knew and that no one communicated with anyone at the polling place about holding up the returns. She stated that she believed that MR. BROWN was as conscientious as anyone could be about the way he conducted the election in that precinct and that she believed that it was properly conducted.

MRS. JOHN J. ALLIAMS, who was one of the clerks at the election in Precinct Number One, at Kountze, Texas, was interviewed at her home in Kountze, on July 5, 1941. She advised that she had charge of the Poll Tax Records and that it was her job to see that no one voted unless they had a right to vote. She stated that she has lived in Kountze for many years, the exact number of which she declined to reveal, and that she has assisted in holding the elections for the past seven or eight years. She said that she personally

knows almost everyone on the Poll Tax list and that it is therefore not necessary for her to refer to it except when someone comes in with whom she is not acquainted. She said that only ten or twelve persons came in that she did not know and that in those cases she requested them to show their Poll Tax Receipts before she would allow them to vote. She advised that MR. BROWN instructed all of the clerks that ballots would be counted even though more than one name was left unscratched on the ballot, providing that he could determine which candidate the voter intended to cast his vote for. She also stated that she knows that several ballots were counted in which this situation existed. She stated that in the cases where more than one name was left on the Democratic list the ballot was thrown out and was not counted, inasmuch as it could not be determined which Democratic candidate the voter intended to vote for.

MRS. ALLUMS advised that no early returns were given out before the polls were closed and that no one communicated with any one at the polling place about holding up the returns.

MISS LOIS WARE, who served as a clerk in Precinct Number One, at Keuntze, Texas, was interviewed at her home in Keuntze on July 6, 1941. She advised that she is a school teacher in the public schools at Keuntze and that she has assisted in two or three preceding elections there.

MISS WARE advised that she served as Assistant Judge of Precinct Number One and that she is the person who called off the votes after the ballot was handed to her by the Presiding Judge. She stated that MR. BROWN advised her that he intended to count ballots which had more than one name left unscratched if it was possible to determine what the intentions of the voter was in marking the ballots. He further instructed her that this intention would have to be determined from the ballot itself and not by talking with the voter. She also recalled that MR. BROWN said that ballots would not be counted if more than one name was left unscratched on any one party list. She recalled that several ballots were counted as votes where there were more than one name left on the ballot, but all except one had been scratched out in the Democratic column.

MISS WARE said that all of the clerks were present when MR. BROWN sealed up the returns and signed them and that all clerks were

present when the final count was made. She stated that she does not know of any tampering with the tally sheets and that no returns were given out before the polls were closed except the total number of votes cast. She also stated that no one called at the polling place, to her knowledge, and requested that the returns be held up.

MRS. CLARA WHITE, who served as a clerk in Precinct Number Eleven at Saratoga, Texas, was interviewed at her home at Saratoga on July 6, 1941. She advised that she has served as clerk at the elections in Saratoga for the past three years and quickly added that she has never observed the slightest irregularity in any election at Saratoga. She said that all of the clerks were present during the final counting of the votes and that all were present when Mr. T. F. TEAL, the Presiding Judge, sealed the returns in the envelopes and addressed them to the County Judge and the County Clerk.

She advised that Mr. TEAL is a former Tax Assessor and former County Judge of Hardin County and that he certainly knew how to run an election. She stated that the voting took place in the auditorium of the Saratoga High School and that the place was closed a few minutes after the polls closed at 7:00 P.M. inasmuch as there were very few votes to be counted after that time. She said that no returns were given out before the polls were closed, except the total number of votes cast, and that she did not have any knowledge of any tampering with any of the tally sheets. She also advised that she understood that there were nine ballots thrown out in that precinct because the voter left more than one name unscratched in the ballot. She said that Mr. TEAL said that he would not count any ballot where there were more than one name left unscratched and that he so instructed each voter as the ballot was handed out.

T. F. TEAL, Presiding Judge of Precinct Number Eleven, Saratoga, Texas, was interviewed at his home in Saratoga on July 6, 1941. He stated that he has served in elections for many years and that he believes that he is able to conduct an election properly. He stated that no ballots were counted if more than one name was left unscratched on the entire ballot and that he consequently threw out nine ballots for that reason. He advised that all of the clerks and officials were present when the ballots were counted and the vote tallied immediately after the polls closed at 7:00 P.M., and that the final vote was tallied before 8:00 P.M. He said that there were

no irregularities so far as he knows and that the tally sheets were not tampered with. He stated that no returns were given out prior to the closing of the polls and that no one asked to have the returns held up for any reason whatsoever. He advised that after the polling place was closed at about 8:00 P.M. on election day, he personally took the sealed envelopes and the ballot boxes to his home where he kept them until Monday morning, June 30th, at which time he personally took them to Kountze, Texas, to the office of the County Clerk. He added that it was a very quiet election due to the fact that the vote was light, inasmuch as many people failed to pay their poll tax and could not vote. He said that for this reason there was no confusion in the polls and consequently little chance of error. He said that he had plenty of time to tell each voter that all but one name should be marked out on each ballot, but that even though he issued that instruction several persons failed to do that.

WILLIAM H. CHILDRESS, Presiding Judge of Precinct Number Thirteen at Sour Lake, Texas, was interviewed at his home at Sour Lake on July 6, 1941. He stated that he has served as Presiding Judge of this precinct for the past nine years and that he is familiar with the election laws of the state of Texas. He exhibited a copy of the 1938 Edition of the Texas Election Laws. Mr. CHILDRESS said that no votes were counted in his precinct where more than one name was left unscratched on the ballot. He stated that the polls were closed promptly at 7:00 P.M. and that the final count was out before 8:00 P.M. at which time he sealed up the envelopes containing the returns for the County Judge and the County Clerk in the presence of all of the clerks and then took the envelopes and the ballot boxes to his home. He said that he kept the ballot boxes and the envelopes at his home until Monday morning, June 30, 1941, at which time he took them to Kountze, Texas, to the office of the County Clerk.

He said that there were no corrections made in the returns and that there was no tampering with the tally sheets or any of the records so far as he knew. He also stated that no returns were given out prior to the time that the polls were closed and that no one asked to have the returns held up. He said that no irregularity of any nature came to his attention during the election and that he believed that the election was properly conducted.

The following investigation was conducted on July 5th and 6th by Special Agent WILLIAM NEWMAN III in Newton County, Texas:

BENJAMIN E. RANSEY, Postmaster at Newton, Texas, was interviewed at his office on July 5th. He stated at that time the recent special election for U. S. senator was carried on without any fraud or irregularities to his knowledge. He pointed out that Newton County had always been proud of the work of MARTIN DIES, was located close to DIES' home, and as a result cast the great majority of its votes for DIES. He further pointed out that in the last election for governor, the county was predominately for O'DANIEL so it was no surprise to him that O'DANIEL ran second to DIES.

He also said that in the county there was no organized political machine, little, if any, electioneering, and in his opinion no time given to soliciting votes by any election workers. He said the people of the county went to the polls to vote when election time came without any thought of arguing with anyone about the best candidate and no suggestion had ever been made in the county that irregularities or frauds occurred in any of the boxes.

CAUSEY MATTOX, County Judge of Newton County, was interviewed at his office in the Newton County Court House on July 5th. He stated at that time that in his knowledge there were no irregularities of any type in the special election for U.S. senator held on June 28th.

He pointed out that the election returns came to him in properly sealed envelopes and boxes on the Saturday night, June 28th, Sunday, June 29th, and a few as late as Monday, June 30th. One precinct, #5, at Toledo, Texas, was not returned by Monday morning so Sheriff J. A. DOUGLAS was directed to go after the box.

MATTOX said this was not at all unusual because Precinct #5 at Toledo is in the far northeast corner of the county in a difficult position to reach by car due to the very bad roads.

Furthermore, the presiding judge is about seventy years of age and has no way to return the box to the county seat. Therefore, it has been customary in the past elections, as well as in the special election for U. S. senator, to send the sheriff for the box as soon as possible after the polls have closed. Mr. MITTOX stated that no complaints or rumors of irregularities in the election had come to his attention and on Monday the Commissioner's Court had canvassed the return by going over the individual tally sheets, poll lists, and register of mutilated ballots which had been returned by each of the eighteen precincts in Newton County.

This canvass was completed by Tuesday morning and immediately forwarded to the Secretary of State at Austin, Texas by sealed first class mail. MITTOX stated that in every case the precinct boxes had been delivered together with the sealed envelopes to either the County Clerk BEN GRIGGS or himself by one of the election officials in the respective precincts, except for the Toledo box which the sheriff brought in personally. He stated he saw no indication in any case of a tally sheet that had been altered or that any of the votes had been improperly tallied. He pointed out that many ballots had been improperly scratched in that besides leaving only one of the Democratic candidates unscratched, all of the Republican and Communist candidates were left unscratched.

These ballots to the best of his knowledge were considered spoiled ballots and not counted on the tally sheet according to the election laws of the State of Texas. In Precinct #1 located at Newton, Texas there were forty-three of these spoiled ballots that could not and were not counted by the election judge but were set aside in a separate sealed envelope and placed in the election box uncounted.

He further stated that no request was made by anyone to the best of his knowledge to delay the election returns, nor was any information given out regarding

the votes cast prior to closing the polls at 7 p.m. on the day of election.

MATTOX pointed out that no political organizations existed in Newton County, that there were no supervisors or challengers in any precinct, and that professional electioneering was unheard of in Newton County. He stated that people go to the polls and vote for whomever they believe to be the best candidate and that there has never been any suggestion of fraud or irregularity in any box in the county.

In conclusion, Mr. MATTOX stated that no irregularity of any type or improper delay in returning the votes or counting the votes had occurred in this special election for senator in New County.

BEN GRIGGS, County Clerk of Newton County, was interviewed in his office at the court house on July 5, 1941. He stated that all of the tally sheets and poll lists together with other forms in some cases were on record in his office and open to public view at any time. He stated that the special election held for senator on June 28th had been conducted to the best of his knowledge without any irregularities whatsoever; that the boxes were returned to him sealed in the proper fashion; that no information was given out regarding the election prior to closing the polls; that no one had been contacted at any time and requested to hold up the returns of the individual precincts, and summing everything up, he was sure that because of the size of Newton County and the nature of the political activity in that county, no fraud would ever be attempted, and definitely in this case, none had occurred.

Mr. GRIGGS brought forth the forms returned to his office by the individual precinct officials, and the following information was taken from these official forms:

STATISTICS IN NEWTON COUNTY SPECIAL SENATORIAL ELECTION

PRECINCTS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
ELIGIBLE VOTERS *	477	57	236	55	5	53	67	74	94	21	118	33	18	176	2	10	27	20
TOTAL BALLOTS MARKED *	384	63	173	45	9	48	55	54	104	14	104	-	23	113	7	13	23	30
TOTAL BALLOTS COUNTED	341	60	153	43	9	47	54	53	104	14	93	29	23	113	7	13	23	30
MUTILATED BALLOTS	43	?	20	?	-	?	1	1	-	-	?	?	1	-	-	-	-	-
VOTES CAST FOR:																		
DIES	257	46	93	25	-	32	41	35	51	13	62	7	16	60	3	12	20	17
JOHNSON	9	2	11	-	-	-	2	2	8	-	6	-	2	24	-	1	-	-
O'DANIEL	54	11	30	17	0	15	8	14	30	1	21	22	4	16	4	-	3	13
MAHN	16	1	5	1	-	-	3	1	9	-	4	-	-	12	-	-	-	-
KING	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MORRIS	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BEAN	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
DAVIS	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-

* GRIGGS explained that in some cases more votes were cast than there were eligible voters in the respective precinct because Newton County had no town or precinct over ten thousand in number and for that reason, any person over sixty years of age, was not compelled by the voting laws of Texas to obtain a poll tax exemption receipt to be eligible to vote. For this reason where all voters on the eligible list cast a ballot, those over sixty would swell the total number for that precinct above the total noted on the eligible list.

J. S. PETERS, Abstractor Newton, Texas, and presiding judge for Precinct #1 located at Newton, Texas, was interviewed in his office on July 5, 1941. He advised that the boxes for Precinct #1 in the special senatorial election held June 28th were kept in a room on the second floor of the court house in Newton. He said the election was carried on in Precinct #1 without any irregularities or fraud of any type to the best of his knowledge.

He advised there were three judges, namely, L. A. DENNARD, E. A. BATES, and himself as well as two clerks, Mrs. A. JOHNSON, and his wife, Mrs. J. S. PETERS. During the election Mr. PETERS, as presiding judge, observed the people coming to the boxes to vote and saw personally that their poll tax receipts were in good order properly marked "Voted" after they returned their ballot, and no irregularities arose while the polls were open.

During that time, from 6 a.m. to 7 p.m. L. A. DENNARD, and E. A. BATES were engaged in counting the ballots. Mr. PETERS advised that within fifteen or twenty minutes after the polls closed at 7 p.m. all of the forms, such as tally sheets, poll lists, and register of mutilated ballots, had been completely filled out and he personally carried the sealed envelopes and ballot boxes downstairs to the County Clerk's Office where he left them in the custody of Mr. GRIGGS. He said during the election no one questioned the way it was carried on, or claimed the right to vote without being able to show that he was entitled to such right.

Furthermore, in Mr. PETERS' opinion no vote was improperly tallied and no cause for criticism of the election in Precinct #1 arose at any time.

He pointed out that forty-three ballots were improperly marked in that more than one name was left unscratched. All of these he stated were considered to be spoiled ballots, and not counted on the tally sheet. They were set aside, placed in a sealed envelope, and put in a separate ballot box. He said that other than these improperly scratched ballots, there were no mutilated or defaced ballots of any type.

PETERS also advised that no information was given out regarding the results of the election before the polls were closed at 7 p.m. and that no one contacted him, or anyone else, to the best of his knowledge and requested that the returns from his box be held up. He said that if any contest was made, and the boxes opened, all of the results as set forth on tally sheets, poll lists, and register of mutilated ballots would be substantiated by the ballots themselves in the sealed boxes.

L. A. DENNARD, Dry Goods Merchant and School Teacher, at Newton, Texas, was Assistant Judge at the special senatorial election held on June 28th in Precinct #1, Newton, Texas was interviewed on July 5, 1941. He advised that during the special election he spent all of his time counting the ballots, said that shortly after the polls were closed at 7 p.m., all the ballots had been counted, and the boxes were sealed and taken to the County Clerk by the presiding judge, J. S. PETERS.

Mr. DENNARD stated that every ballot on which more than one name was left unscratched was not counted but considered to be a spoiled ballot. He said there were forty-three spoiled ballots and none that were mutilated or otherwise defaced. Furthermore, he stated that no information was given out by him, nor at any time requested of him in regard to the vote count prior to the time the polls were closed at 7 p.m.

He also stated no one requested him to hold up the returns from Precinct #1. He was sure every ballot was correctly tallied or rejected and that no irregularities or fraud of any type occurred in Precinct #1.

Mr. D. A. BATES, School Teacher and Farmer, Newton, Texas and Assistant Judge in special senatorial election held June 28, 1941, was interviewed at his residence on July 5, 1941. He advised that his duties in the election consisted of counting and at times tallying the ballots. He said because Precinct #1 was shorthanded and did not have one judge and two clerks that the law allowed them, he had to do the additional work of tallying.

He advised that the only ballots tallied were those on which every name had been scratched out except the single person voted for. Because of this, he stated they had to consider forty-three ballots spoiled inasmuch as the individual voting had not scratched out the Republican and Communist candidates. He stated no other mutilations or defacing occurred and that great care was taken to tally every ballot correctly according to the election laws of the State of Texas. He said that because of the small vote cast, they were able to finish counting all the ballots by a short time after 7 p.m. on the day of the election. All of the forms required by law to be filled out at the conclusion of an election were immediately prepared and placed in the proper sealed envelopes, and the presiding judge J. S. PETERS took the sealed boxes and envelopes downstairs to the County Clerk's Office.

Mr. BATES said he was certain that in his precinct, no irregularities or fraud had arisen; that during the election no one complained that it was not being run properly, and that Precinct #1, as well as all of the other precincts in the county, he believed, was completely free from any desire to commit a fraud in an election.

He pointed out that no one had ever seen fit to request a supervisor be present at the election and that everything had been conducted in the usual routine manner.

O. L. BURNHAM, Presiding Judge in Precinct #2, Burkeville Texas was interviewed at his home in Burkeville on July 5th. He stated at that time that in the special senatorial election on June 28th everything was conducted in the proper order, no information was requested or given out regarding the count in the election until after the polls were closed at 7 p.m. and he had not been approached, and in his opinion no one else had been approached, and requested to hold up the returns from Precinct #3.

Furthermore, he advised that no complaints had been received during the day, nor had anyone tried to vote who could not present his right to vote at the same time.

He pointed out, however, that in counting the votes they had discovered twenty ballots on which more than one name remained unscratched. He said in his opinion these did not constitute mutilated ballots, but they definitely could not be counted for anyone, and had to be considered as spoiled. He said for this reason he did not list them on the register of mutilated ballots, but placed them in the ballot box with all the others. He emphasized the fact that they were considered spoiled and were not counted.

BURNHAM stated he had been presiding judge in all of the elections for the past six years, and had been in some official capacity at elections for the past twenty years. He said that in this special election for senator in Newton County, the results had been as everyone expected in that it was close to MARTIN DIES' home. He further pointed out that the county had been overwhelmingly for O'DANIEL in the race for governor so it was quite logical that O'DANIEL received the second highest number of votes in this election.

He said all the ballots had been counted by ten or fifteen minutes after the polls had closed and that he personally returned the ballot box to the County Clerk, BEN GRIGGS, on Saturday evening. Mr. BURNHAM said that should any question arise in regard to the election, and the sealed boxes be opened, the tabulation on the tally sheets and poll lists would be substantiated by the ballots in the boxes.

J. A. DOUGLAS, Sheriff of Newton County, was interviewed on July 6th at his office in the court house and stated at that time that he personally had been sent for the ballot boxes in Precinct #5. He advised the presiding judge R. H. SNELL was a very elderly gentleman well past the age of sixty and was never able to bring the box into the county seat himself. Because of this either SNELL or one of the other election officials would keep the box until someone from the Sheriff's Office was sent to collect it.

He said the road to Toledo, Texas where the voting at Precinct #5 was always held was in very bad condition and in going after the box, he got stuck three or four times himself, and in his opinion there was good reason for the box not being obtained until Monday morning.

He further pointed out that in Precinct #5 most of the voters are over sixty years of age, and would not be listed on the eligible voters list because they are not required to obtain a tax receipt. He said he was certain no fraud or irregularities of any type had occurred in that precinct for the past thirty years, that none had occurred at this specific election, or would ever occur in the future unless new people moved into that territory.

He said he got the box from Mrs. L. C. LENAHAN at whose home the election was held and in whose custody the sealed box was left by R. H. SNELL. Mrs. LENAHAN was a clerk at the election.

Sheriff DOUGLAS further pointed out that every one in Toledo or Precinct #5 had voted for O'DANIEL for governor and had again voted for O'DANIEL in the special election for senator.

J. F. NEWBERRY, Survey, Texas, presiding judge of Precinct #6 was interviewed at his home at Survey on July 6th. He advised at that time that all of the votes in the special election for senator held on June 28, 1941 had been made in a legal manner properly counted and personally delivered by him to the County Clerk on Sunday, June 29th.

He said they had kept the polls open from 8 a.m. to 7 p.m. although there was little reason to, and at 7 o'clock all of the ballots had been counted, and properly tabulated, and all the forms made out so they could be placed in sealed envelopes as they were, and the ballot box properly sealed.

He said he took care of the box personally from the time the polls closed until delivered the next day. He further advised that he, at no time, gave out any information as to the result of the election prior to the closing of the polls, and that no one at any time had requested or suggested that he delay returning the results at the earliest possible time.

He said that there were no mutilated or improperly marked ballots, and that he had cautioned everyone when they came to the polls to be sure to scratch out every name except the one they were voting for. Mr. NEWBERRY pointed out that everyone in his precinct was a farmer, had lived there for many years, and would never think of committing any fraud or irregularity at an election but instead valued very highly the right to vote.

None of the election officials could be contacted on July 5th or 6th from Precinct #7 located at San Wier, Texas.

The writer wishes to point out that the register of mutilated ballots noted that #13 was not scratched and could not be counted. This was signed by presiding Judge R. R. NOACK.

In Precinct #8 located at Blankwood, Texas, it is noted that the tally sheet gave JOHNSON a total of only one vote yet the tabulation by the election officials gave him two. However, in the official count submitted by Judge CAUSEY MATTOX after canvassing the tally sheet, the correct total of two is tabulated by the judges was set forth. This would indicate in canvassing the precinct results, the county officials check the individual tabulations, as well as the totals arrived at by the precinct officials, in an effort to get a more correct result.

TOM GILCHRIST, a farmer near Blankwood, was interviewed at his home on July 6, 1941. He stated he had been presiding judge in Precinct #8 and personally saw that no irregularities or fraud of any type arose in connection with this special election for senator held on June 28, 1941. He stated that the polls remained open from 8 a.m. to 7 p.m. and because of the few votes cast, the election officials were able to go home as soon as the polls were closed.

He stated that he personally saw that the forms were properly made out showing the results of the election and he himself kept the sealed envelopes and election boxes in his custody until delivering the box to the County Clerk BEN GRIGGS on the Sunday following the election.

He pointed out that out of the fifty-four votes cast, one vote was spoiled because the individual voting scratched out every name on the ticket. He said in no case was a ballot submitted with more than one name left unscratched. He further stated that no information was given out regarding the results of the election before the polls closed and no one had

approached him or anyone else at the polls and requested the returns be delayed. He said he was certain there were no irregularities or fraud committed in the instant election.

W. E. ROBERTS, Farmer near Blookwood, Texas and Assistant Judge in the senatorial election held June 28th, was interviewed on July 6th at his home. He stated at that time that in the election only one spoiled vote had been cast and they had taken great care to warn people to scratch out the name of all but one candidate so that their vote would not be spoiled.

He said that everyone in their precinct took the voting very seriously and would not tolerate any irregularity or fraud in connection with the election. He further stated that everything was properly sealed following the election and that there was no complaint by anyone who came to the polls that they were not given the right they deserved to vote, or that the election was being run improperly.

H. C. DARDEN, retired school teacher and farmer at Call, Texas, and assistant judge in the senatorial election June 28th, was interviewed at his home on July 6th. He stated that all the votes were cast in good order at Precinct #9 and that a single ballot was spoiled. He explained undoubtedly many ballots would have been spoiled if care had not been taken by the election officials to caution everyone voting to scratch out every name except the one they were in favor of.

He further stated that the polls were open as the state election laws require at 8 a.m. and closed at 7 p.m. and in no instance was any information given out as to the number of votes cast before the polls closed, nor was any request made of the officials to hold up the returns after the polls closed. He said that the forms were made out and boxes sealed within ten or fifty minutes after the polls closed; that the box was left in the custody of the presiding judge, DICK CANSOLOR, who either that night or the next day took them to the

County Clerk's Office at Newton, Texas. DARDEN stated he was certain no irregularities arose in connection with the election and the counting was done as specified by the state election laws.

In Precinct #12 located at Hickory Hill, Texas no tally sheet or poll list was filled out for the County Clerk's Office. However, the presiding judge G. B. EASLEY verbally gave the total count to County Clerk BEN GRIGGS. According to the interview had with GRIGGS on July 5th, GRIGGS pointed out that EASLEY was well over sixty years of age, and very set in his ways of doing things.

PAT KELLEY, Wiergate, Texas, presiding judge of Precinct #14, was interviewed on July 5th. He stated at that time that in his precinct he personally had counted the ballots and tallied every ballot where the intention of the voter was clear. He stated there were no mutilations or defaced ballots found in the special election and that when all but one Democratic candidate had been scratched, even though the Republican and Communist candidates were not scratched out, the vote was counted for that Democratic candidate whose name remained unscratched.

He said in his opinion it was clear that the vote was cast for such candidate, and the only just way would be to so count it. He pointed out that only four of five ballots were found in this condition, all of which were found in the first count early in the day and after which everyone coming to vote was cautioned to be sure to scratch out every name on the ballot they did not intend to vote for.

Mr. KELLEY further stated the polls opened at 8 in the morning and closed at 7 in the evening as required by law. That no information regarding the voting count was given to any one prior to closing the polls, and that no request was made by anyone at any time to hold up the returns after all tabulations were completed.

He stated in his opinion no fraud or irregularity of any type occurred in this election unless it was decided that he had improperly counted those four or five votes where the voter had not scratched off the candidates other than Democratic. He said that all of the ballots were carefully placed in the box and sealed so that should any complaint arise in the future, they could be carefully gone over and recounted.

JACK KELLEY, son of P.T. KELLEY, was interviewed on July 5th and advised that he had been a clerk in the special election held on June 28th, had observed no irregularities of any type in the election, and had personally been given the sealed ballot boxes and envelopes after the polls had closed, and the forms filled out, and taken them himself to CAUSEY MATTOX at his office at the court house at Newton, Texas.

He said he locked all of these in the trunk of the car until he got to Newton, Texas because he was accompanied at the time by a couple of his friends who were going to dance that evening at Newton. He stated he was sure that no unjust dealings or fraud had occurred at the election.

Mrs. A. L. NOLEN, Assistant Judge of Precinct #14, Wiergate, Texas, was interviewed on July 6th at her home. She stated that the voting in Precinct #14 had been regular in every respect in the recent special senatorial election held June 28th. She advised that no one had come to the polls and denied a vote when they could produce their poll tax or exemption receipt and not a single complaint had been made contending the election had not been legal in every respect. She said there were no spoiled ballots whatsoever and that no one had given out any information as to the number of votes cast, or other data regarding the election prior to closing the polls at 7 p.m. Because of the few number of votes cast, she stated all the forms and tabulations were completed very shortly after 7 p.m. and that JACK KELLEY had been entrusted the ballot boxes and sealed

envelopes for delivery to the county judge at Newton.

Mrs. NOLEN further stated no one had requested or even suggested that the returns be delayed in any respect. She stated that in her opinion no ballot had been returned with more than one name left unscratched; that she was certain that no improper tabulations had been made or mutilated ballots received. She said in her opinion no intentional irregularities or fraud of any type had ever occurred in Newton County because the people would not tolerate such things.

It should be noted that the presiding judge PAT KELLY stated that all of the ballots on which more than one name was left unscratched, but where the intent of the voter was clear, such candidate would be given the vote. For example, where the Republican and Communist candidates were not scratched, but all of the Democratic candidates except one had been scratched, the vote would be given to the one remaining Democrat. In the interview with Mrs. NOLEN, she was not confronted with the statement made by Mr. KELLEY that this type vote had been tallied, but interrogation by the writer made clear the fact that she would deny that any such votes had been tallied.

HOUSTON

The following investigation was conducted by Special Agent J. DUDLEY LOCKREM on July 5 and 6, 1941, in Polk County, Texas:

J. T. COKER, County Judge in Polk County, was interviewed in the Polk County Court House at Livingston, Texas. Judge COKER stated that as County Judge it was his duty to make the election return to the Secretary of State within twenty-four hours after the presiding election judges made their returns. He stated that it was his understanding that the election judges were required to make their returns forty-eight hours after the polls were closed. He stated that the County Judge is required to make a return from the "return of a special election", which is a form sent out to each of the presiding judges at the various voting precincts and on which are printed the names of the various candidates. He stated that on this form there was also a place for the total number of votes for each respective candidate in the particular voting precinct.

He further advised that the ballots were delivered to him two or three days before the election from a printing concern in Dallas, Texas. He stated that the ballots were not counted before they were sent to the various voting precincts and no record was kept of the number of ballots sent to each precinct. He informed that he himself sorted the ballots, making sure that enough ballots were sent to each voting precinct to take care of all the voters in that precinct.

Judge COKER advised that a man is entitled to vote if his name appears in the list of qualified voters which is prepared by the County Tax Collector, giving the names of all citizens who have paid their poll tax, or to whom have been issued an exemption certificate. He stated that if a man's name does not appear on the poll list he can vote if he presents a poll tax receipt, inasmuch as it could happen that a man might recently change his residence from one part of the county to another a short time before the election and not have his name listed in the Tax Collector's list of qualified voters in that precinct.

Judge COKER stated that he presides over the Commissioners Court. He advised that on the afternoon of June 30, 1941, at about four P.M., the Court met and on motion of one of the Commissioners, it certified the election returns. The motion was carried and the County Clerk was directed to mail the returns by registered mail to the Secretary of State at Austin, Texas. Judge COKER advised that the only precinct which was late in making its returns was Precinct

HOUSTON

No. 13 at Holly Grove, Texas. He stated that when the returns were sent in to the Secretary of State, the returns from Holly Grove had not as yet come in and that he did not know whether or not the returns from Holly Grove had been mailed to the Secretary of State.

Judge COKER stated that there were four County Commissioners in Polk County which are as follows:

W. K. COLLINS	Livingston, Texas
LOMAN W. PARRISH	Loggett, Texas
DUDLEY L. VEAL	Corrigan, Texas
TOM L. SWEARINGEN	Barnum, Texas

Judge COKER stated that the name of the County Clerk is J. H. McKEE.

A check of the election record in the custody of J. H. McKEE, County Clerk, Polk County, Court House, Livingston, Texas, revealed that the official return in the special election for United States senator from the State of Texas, held on June 28, 1941, was as follows:

DR. JOHN BRINLEY	1
MARTIN DIES	620
A. E. HARDING	1
COMODORE BASIL MUSE C. HATFIELD	1
LYNDON JOHNSON	266
GERALD C. MANN	186
SAM MORRIS	3
W. LEE O'DANIEL	627
FLOYD E. RYAN	1
JOSEPH (JOE) THOMPSON	1
ENOCH FLETCHER	1

Mr. McKEE stated that the ballot boxes, two for each voting precinct, are purchased by the County and placed in the custody of the County Clerk. He advised that before an election these boxes are labeled and the blank ballots, tally lists, poll lists, returns, instruction cards, payroll affidavits, and a list of the qualified voters, as prepared by the County Tax Collector, are placed in the ballot box which is then locked. These boxes are then delivered to the Sheriff who delivers two boxes, one full of forms and the other empty, to the presiding judge of each precinct in the county.

Mr. McKEE advised that the polls in Polk County open at 8:00 A.M. and close at 7:00 P.M., after which one of the election

HOUSTON

officials, generally the presiding judge, opens the ballot box, takes out the ballots one by one and calls to the clerks keeping the tally lists how each particular ballot is marked. These ballots that have been called are then placed in a second ballot box, heretofore empty, and after all the ballots have been counted and tallied, the return is made on a printed form containing the names of all candidates. All forms, Mr. McKEE advised, such as the poll lists, tally lists, and returns, are made out in triplicate, and it is the duty of the presiding judge in each precinct to place one of each of these forms into each of three envelopes, which are then sealed. One envelope, he stated, is addressed to the County Judge, one to the County Clerk, and one remains in the custody of the presiding judge of the precinct.

Mr. McKEE further advised that these envelopes addressed to the County Judge and County Clerk, respectively, are not mailed but are delivered in person to the addressees. Upon receipt of the envelope addressed to him as County Clerk, Mr. McKEE informed that he does not look at the tally list or poll list but solely at the return, a form which is captioned, "Return of a Special Election" and on which are printed the names of all candidates. The returns are immediately entered in the Election Record, which is a public document in the custody of the County Clerk. In this book the number of votes for each candidate is entered according to the various voting precincts and the total votes in the county for each candidate is taken off. As soon as all returns are in they are presented to the County Commissioners' Court, which is made up of four County Commissioners and the County Judge. At this meeting, he explained, the official return is certified, on motion of one of the Commissioners, voted upon, and if the motion is carried, the official return in the election is sent by registered mail to the Secretary of State, Austin, Texas.

Mr. McKEE advised that he had no knowledge of any irregularities in connection with the special election held on June 28, 1941, for the purpose of electing a United States Senator. He stated that he had received no communication of any kind to delay or hold up the making of the return to the Secretary of State. He stated that no early, incomplete returns were made in Polk County to his knowledge. Mr. McKEE stated that he would store the ballots in accordance with the law and retain them for the period required by law, which he stated he understood to be twelve months.

J. H. McKEE, County Clerk, Polk County, displayed to Agent the Poll Lists, Tally Lists, and Returns of a Special Election, from which was ascertained the number of voting precincts in Polk County, Texas; the names of the election officials at the special election held on June 28, 1941; the location of the polling places, the total

HOUSTON

votes cast in each precinct; and how the votes were divided in each precinct, as follows:

PRECINCT NO. 1 - LIVINGSTON, TEXAS

Number of votes cast according to Poll List 395

How votes were divided according to the Tally List

MARTIN DIES	144
LYNDON JOHNSON	70
GERALD C. MANN	55
W. LEE O'DANIEL	<u>126</u>

TOTAL 395

Return of a Special Election signed by the election officials corresponded to the information contained in the Tally List

Election Officials -

A. B. GAFFORD, Presiding Judge
J. C. BUTLER, Assistant Judge
Mrs. IRIS MORRIS, Clerk
Mrs. C. B. MARSH, Clerk
Mrs. W. E. SNELLING, Clerk

Mr. A. B. GAFFORD, Route 1, Box 57, Livingston, Texas, stated that he was appointed presiding judge of Precinct No. 1, Polk County, for the special election for United States Senator, held on June 28, 1941. He stated that the polls opened at eight A.M., and that the polling place was the second floor of the County Court House at Livingston. He stated that four tally lists and four polling lists were kept during election day. He stated that his precinct was short of help and that he sometime kept a poll list and a tally list with the clerks and at other times passed out ballots to the voters as they entered the polling place. He stated that the procedure was that if a man walked into the polling place, he gave his name to the clerk keeping the poll list. If these clerks were not acquainted with the voter, they would search the list of qualified voters prepared by the County Tax Collector and if his name appeared thereon, he was handed a ballot. If his name did not appear on that list, he was not permitted to vote. He stated that the ballot was signed by the presiding judge before it was handed to the voter.

HOUSTON

The clerks would write the voters name down on the poll list as the voter had marked his ballot. Then the clerks gave to the presiding judge the number of the voter which corresponded to the order in which he came into the polls to vote. The judge would then write the number on the outside of the ballot opposite the judge's signature. The marked ballot would then be placed in the locked ballot box number one.

Mr. GAFFORD stated that at intervals during the day when there were no voters in the polling place, they would count the ballots, which was done in the following manner: The presiding judge would take a marked ballot out of box number one, unfold it, call the vote to the clerks who were keeping the tally lists, re-fold the ballot and place it in ballot box number two.

He informed that there were a few mutilated ballots in his precinct but that these votes were not counted and were not tallied. He stated that he did not keep any record of the mutilated ballots inasmuch as the County Clerk had informed him that this was not necessary. He stated that in his opinion there were about six mutilated ballots cast.

He advised that he did not give out any early, incomplete returns and that if any early returns were made they were unknown to him. He stated that the question about giving out early returns had arisen on the morning of election day and that thereafter he cautioned the election officials not to give out any election returns. He stated that the question arose by someone coming in and asking for returns but that he did not remember the name of the person who requested the early return. Mr. GAFFORD further advised that he was present at all times when the votes were counted and tallied. He stated that Mr. J. C. BUTLER, assistant judge, opened the ballots and called them off to the clerks keeping the tally lists.

J. C. BUTLER, Box 326, Livingston, Texas, advised that he served as assistant judge of Precinct No. 1, Polk County, Texas. He advised that he kept a poll list in the election and also handed out some of the ballots to the voters. He stated that four poll lists and four tally lists were kept. He advised that he opened all of the ballots during the counting of the ballots and called the results of each cast ballot to the clerks keeping the tally lists. He stated that there were no mutilated ballots in his precinct and further stated that at about ten o'clock on the morning of the election, after eight or ten ballots had been cast, they made the first count of the day. Just as they started taking this count, Mr. B. C. ADAMS,

HOUSTON

presiding judge, Precinct No. 16, Livingston, Texas, came into the polling place and asked whether or not they were counting ballots where the voters had failed to scratch out the names of all candidates except the one for whom he intended to vote. Mr. ADAMS stated that he had found a number of ballots like this, wherein the voter had scratched the names of all the Democratic candidates except one but had not crossed out the names of the candidates under the other parties on the right hand side of the ballot. Mr. ADAMS stated to Mr. BUTLER and the others present that he was going to consider those as mutilated ballots and that they would not be counted.

Mr. BUTLER stated that shortly after Mr. ADAMS departed word got around town of the fact that ballots in which more than one name was left unscratched would not be counted and that the voters who had thus marked their ballots defectively came back to the polling place and requested that their ballots be returned so they could be properly cast. Mr. BUTLER stated that when this occurred the ballots were taken out of the box and returned to the voters, after which the names of the candidates on the right hand side of the ballot were scratched out and the ballots were returned and placed in the ballot box. After this occurrence, Mr. BUTLER stated, the election officials very carefully instructed the voters to be sure to scratch out the names of all candidates in each party except the name of the man for whom it was intended that the vote be cast.

Mr. BUTLER stated that no early returns were given out. He said that to his knowledge only one request for early returns was made and that was from Mr. J. C. MANNING, who was LYNDON JOHNSON's campaign manager in Polk County. He advised that Mr. MANNING called at the polling place at about eleven A.M., asking if a count had been made as yet and if they would let him have the figures. The presiding judge asked Mr. BUTLER what he thought about giving out the returns and Mr. BUTLER stated that in his opinion the law was that no early returns could be given out, and Mr. MANNING was informed of this fact. Mr. MANNING asked why early returns could not be given out in Livingston when they were being given out in cities like Houston and Dallas. He was told that the election officials were not aware of what the procedure was in the larger cities but that no returns would be given out in that precinct until the polls were closed and the entire votes tallied.

The writer called at the residences of the three clerks in Precinct No. 1 and learned that they were not at home.

HOUSTON

PRECINCT NO. 2 - BOLD SPRING, TEXAS

Total votes cast (according to Poll List) 21

How votes were divided (according to the
Tally List):

MARTIN DIES	5
LYNDON JOHNSON	6
W. LEE O'DANIEL	9
GERALD C. MANN	<u>1</u>

TOTAL 21

"Return of a Special Election" signed by the
Election Officials corresponded to the in-
formation contained in the Tally List.

Election Officials:

G. E. MARSH, Presiding Judge
J. C. HAND, Assistant Judge
Mrs. ROLAND WILDER, Clerk
FAYE ROGERS, Clerk

PRECINCT NO. 3 - MOSCOW, TEXAS

Total votes cast (according to the Poll List) 91

How votes were divided (according to Tally List):

LYNDON JOHNSON	15
MARTIN DIES	37
GERALD C. MANN	5
W. LEE O'DANIEL	<u>24</u>

TOTAL 81

"Return of a Special Election" signed by the
election officials corresponded to the in-
formation contained in the Tally List.

Election Officials:

L. M. WEEMS, Presiding Judge
T. J. SPRAYBERRY, Assistant Judge
Mrs. MART JONES, Clerk
Mrs. ETTIE JONES, Clerk

HOUSTON

L. M. WEEMS, Moscow, Texas, advised that he was appointed presiding judge of Precinct No. 3, Polk County, at the special election held on June 28, 1941. He stated that the polls opened at eight A.M. and closed at seven P.M., and that he was present at all times when the votes were counted. He stated that there were about ten ballots with the name of more than one candidate remaining on the ballot after the ballot was cast. He said that these ballots were not counted on the tally lists. He stated that it was his recollection that ninety-one votes were cast and that ten of these votes were mutilated and were not counted in the returns. Mr. WEEMS stated that he received no communication or any request that he delay making the returns. Mr. WEEMS further advised that no early returns were given out to his knowledge and that he did not receive a request for early returns. He stated that the only request that was received came from Mrs. HICKMAN of Livingston, Texas, who works for the Texas Election Bureau. He stated that she wrote him a letter, which he received a few days before the election, requesting that he telephone the final returns to her at Livingston on Sunday morning after the election.

Mr. WEEMS stated that after the polls closed on Saturday, June 28, 1941, he brought the ballot boxes and the election papers; such as, the poll lists, tally lists, and the returns to his home. He stated that the boxes were locked all of the time they were in his possession and that no one had access to these boxes, which remained in his possession until Monday morning when he and Mr. T. J. SPRAYBERRY, assistant judge, drove to Livingston and personally delivered the boxes and the papers to the County Clerk. Mr. WEEMS advised that he had received three large brown envelopes, one addressed to the County Clerk, one to the County Judge, and one to the presiding judge of the precinct. He stated that into each of these he placed one poll list, one tally list, and one form captioned, "Return of a Special Election". He stated that he has in his possession the envelope addressed to him and that he is required to keep this envelope in his possession for a period of twelve months after the election. He stated that the other two envelopes were delivered to the County Clerk at the time the ballot boxes were delivered.

T. J. SPRAYBERRY at Moscow, Texas, stated that he was appointed assistant judge for Precinct No. 3, Moscow, Texas, for the special election held on June 28, 1941. He stated that he was present at all times when the votes were counted. He advised that some of the votes were counted around four-thirty or five P.M., and that the rest of the votes were counted at seven P.M. when the polls closed. He stated that Mr. WEEMS, the presiding judge, called off the results of each ballot to the tally clerks, Mrs. MART JONES and Mrs. ETTIE JONES. He stated that each of these clerks kept poll lists as well as tally lists.

HOUSTON

Mr. SPRAYBERRY further advised that there were ten mutilated ballots cast at the election in his precinct and that these ballots were not counted on the tally lists. He stated that in all of the mutilated ballots the voters voted for more than one person; therefore, making the ballot void.

Mr. SPRAYBERRY advised that he received no request for any early returns and, therefore, no early, incomplete returns were given out. He stated that he received no communication of any kind requesting that the returns be delayed.

He further stated that about seven P.M. the polls closed and the poll lists, tally lists, and returns were all signed by each of the election officials. He advised that the boxes and the election papers were taken home by Mr. WEEMS and that they remained in his possession until Monday morning when he and Mr. WEEMS drove to Livingston, where the boxes and the election papers were delivered to the County Clerk.

PRECINCT NO. 4 - BERNARD CHAPPEL, TEXAS

Total votes cast (according to Poll List) 22

How votes were divided (according to the
Tally List):

MARTIN DIES	3
LYNDON JOHNSON	1
GERALD C. MANN	1
SAM MORRIS	1
W. LEE O'DANIEL	14
ENOCH FLETCHER	<u>1</u>

TOTAL 21

"Return of a Special Election" signed by the
Election Officials corresponded to the in-
formation contained in the Tally List.

Election officials:

O. L. MUNSON, Presiding Judge
Mrs. OLA DUFF, Assistant Judge
W. A. ROZELL, Clerk
IDA MAE WALTERS, Clerk

HOUSTON

PRECINCT NO. 5 - HORTENSE, TEXAS

Total votes cast (according to Poll List) 36

How votes were divided (according to the Tally List):

MARTIN DIES	11
LYNDON JOHNSON	10
W. LEE O'DANIEL	<u>15</u>

TOTAL 36

"Return of a Special Election", signed by the Election Officials corresponded to the information contained in the Tally List.

Election Officials:

N. F. DAVID, Presiding Judge
Mrs. NELLIE DAVID, Clerk
Mrs. FLORA DAVID, Clerk
Mrs. HANDLEY HAYNES, Clerk

Mrs. FLORA DAVID, Hortense, Texas, stated that she served as a clerk, Precinct No. 5, Polk County, Texas, in the special election held on June 28, 1941. She stated that the polls opened at eight A.M. and closed at six P.M. She advised that she was present at all times when the votes were counted and that she kept a tally list. She further stated that Mrs. NELLIE DAVID and Mrs. HANDLEY HAYNES were also clerks and that they each kept a poll list and a tally list. She advised that N. F. DAVID, her father-in-law, was the presiding judge and that he opened the ballots and called them off to the clerks who were keeping the tally lists. She stated that the total of the votes cast was thirty-six.

Mrs. DAVID advised that there were no mutilated ballots in her precinct because of the fact that the presiding judge cautioned the voters before they voted to be sure to scratch off the names of all candidates except the name of the man for whom they intended to vote. She stated that after a voter had marked his ballot the judge would ask him if he scratched out all parties and all names except the name of the person for whom he intended to vote. She further advised that to her knowledge no early returns were made, or were given out to any person. She stated that she received no communication of any kind requesting that the returns be delayed and that she

HOUSTON

was sure that no other election official received any such communication. She further stated that the polls were closed at six P.M., and that the counting and tallying of the votes required just a few minutes after six P.M. She advised that the presiding judge kept the ballot boxes and the papers; such as, the poll lists, tally lists, and the returns in his possession. She stated that her husband, the son of the presiding judge, drove the presiding judge to Livingston in his automobile on Monday morning, June 30, 1941, and delivered the papers and the ballot boxes to the County Clerk. She further advised that she had no knowledge of any irregularities of any nature in connection with this election.

PRECINCT NO. 6 - CORRIGAN, TEXAS

Total votes cast (according to Poll List) 253

How votes were divided (according to the Tally List):

MARTIN DIES	100
LYNDON JOHNSON	17
GERALD C. NEWM	16
W. LEE O'DANIEL	118
FLOYD RYAN	1
A. E. HARDING	1

TOTAL 253

"Return of a Special Election", signed by the Election Officials corresponded to the information contained in the Tally List.

Election Officials:

KENNETH KNOX, Presiding Judge
W. J. PULLEN, Assistant Judge
Mrs. JOHN LOME KENT, Assistant Judge
Mrs. Y.E. COCKRELL, Clerk
WINNIE SAXON, Clerk
Mrs. JOHN SAXON, Clerk

W. J. PULLEN, Corrigan, Texas, stated that KENNETH KNOX, presiding judge of Precinct No. 6, appointed him assistant judge in the special election held on June 28, 1941. He stated that the polls opened at seven A.M. at the New City Hall in Corrigan, Texas, and that his duties were to instruct the voters; that is, those who could not read or write and those who did not know how to vote, and to count the ballots. He stated that he was present at all times

HOUSTON

when the votes were being counted. He said that he himself took the ballots out of Box No. 1, called the results of each ballot to the tally clerks, and then placed the ballots in Box No. 2. He stated that this election was somewhat of a complicated affair by reason of the fact that a "good many" of the ballots were returned with the name of one Democratic candidate left unscratched and the names of the candidates in the other parties were also left unscratched. He stated that he knew these were spoiled ballots technically but that he could plainly see for whom each of the voters intended to vote and that, therefore, he scratched off the names of the candidates in the other parties which were listed on the ballots to the right of the Democratic candidates. He advised that he could not recall how many were returned like this but that there were "several" in the first count which took place at about eleven A.M. He stated that after he noticed how the people were marking their ballots he told each voter the correct way to mark his ballot. He stated that after the ballot had been marked he would inquire of the voter whether or not he scratched off all of the names on the ticket except the name of the man for whom he wanted to cast his vote. He stated that there was only one mutilated ballot in his precinct and that this ballot was not counted for the reason that the voter scratched out the name of the man for whom he wanted to vote, told the election officials about this fact, and was given another ballot.

Mr. PULLEN advised that he did give out some early, incomplete returns in the afternoon of election day. He advised that he did not recall to whom the returns were given, but that they were all citizens in the community who requested information as to how the vote was going. He stated that he received no communication of any nature requesting that the returns be delayed.

An endeavor was made to locate and interview the election officials in this precinct without success.

PRECINCT NO. 7 - CAMDEN, TEXAS

Total votes cast (according to Poll List) 101

How votes were divided (according to the Tally List):

MARTIN DIES	41
COMODORE EASTL	
MUSE HATFIELD	1
LYNDON JOHNSON	7
GERALD C. HENN	15
W. LEE O'DANIEL	<u>34</u>

TOTAL

98

HOUSTON

"Return of a Special Election", signed by the Election Officials corresponded to the information contained in the Tally List.

Election Officials:

J. K. HAVIS, Presiding Judge
J. G. COLLINS, Assistant Judge
Mrs. A. F. SCHRADE, Clerk
Mrs. E. A. BECK, Clerk
Mrs. V. H. WILSON, Clerk

Mr. J. K. HAVIS, Barnes, Texas, stated that he was appointed presiding judge of Precinct No. 7, Polk County, Texas, in the special election held on June 28, 1941. He stated that although he lives in Barnes, Texas, he votes at Camden, Texas, inasmuch as his home is within that precinct. He stated that the polls opened at eight A.M., and that he was present at all times when the votes were counted. He stated that he opened the ballots and call all of the ballots to the clerks who were tallying the votes on the tally lists. He stated that there were some ballots cast which were not counted on the tally lists because some of the voters left more than one name on the ballot. He stated that there were three of these mutilated ballots which were not counted in the final returns.

Mr. HAVIS advised that at seven-thirty P.M., June 28, 1941, the election officials were entirely through counting the ballots which totaled 101. He stated that after the polls closed and the documents had been signed by the election officials, he took the ballot boxes and the election papers to his home, where they remained in his custody until Monday morning, June 30, 1941, when he drove to Livingston, Texas, and delivered the boxes and the papers to the County Judge.

He stated that he received no communication of any kind requesting him to delay the returns.

Mr. HAVIS also stated that he received no requests for early, incomplete returns.

Mr. HAVIS further informed that no irregularities had occurred in connection with this election to his knowledge. He stated that the election was very light and very quiet; also that there were 101 votes cast in his precinct at this election; whereas ordinarily his precinct polls over 300 votes.

PHOTOGRAPHER'S CERTIFICATION

I hereby certify that I have photographed the documents appearing on this reel in accordance with established procedures.

PHOTOGRAPHER: Betty Jo Hayle
DATE: 2-17-55

SUPERVISOR'S CERTIFICATION

I hereby certify that I have supervised the photographing of the documents appearing on this reel in accordance with established procedures.

SUPERVISOR: James P. Benedict
DATE: 2-17-55

Federal Bureau of Investigation
United States Department of Justice
San Francisco, California,
September 5, 1940.

PERSONAL AND CONFIDENTIAL

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b7C

MEMORANDUM FOR THE DIRECTOR

In Re: HARRY BRIDGES

DECLASSIFIED BY
ON 12/22/87

The preliminary examination of the voluminous material made available to us as to the possible deportation of HARRY BRIDGES indicates the Immigration and Naturalization Service was apparently engaged in an investigation and the collecting of information as to HARRY BRIDGES over a period of about three years. This investigation concerned, of course, the possible deportation of BRIDGES as an undesirable alien because of the fact that he was supposedly a member of the Communist Party of America. The issue seems to have been definitely clear.

The files, as indicated in our preliminary examination, show much of the material was not used, and which might have possible value. Some of this possibly was not used because of the fact that the individuals concerned were discredited in some manner. However, the files are not clear as to the reason why certain of the material, which appears to be good evidence, was not presented. The Immigration and Naturalization Service apparently went into the hearing of this matter without preparing a summary or outline of their case indicating the available evidence. They therefore went into the case, in my opinion, unprepared and not adequately fortified by the possibilities of what evidence was available to them, together with the limitation upon the evidence presented by reason of inadequate preparation and further self-evident investigative inquiry which should have been pursued. This is further indicated by the fact that they could not locate some of the witnesses, and other information was considered and prepared during the hearing.

An examination of the central office files and the San Francisco office files of the Bureau of Immigration and Naturalization indicates that apparently no file contained all of the information available as to HARRY BRIDGES. Apparently the centralization of effort was not carried out fully as to all the information appearing in either the central office or the various district offices of the service.

Practically all of the witnesses as presented for the Government were vulnerable as to some situation in their background, which probably could have been improved if adequate, thorough investigation had been made in order to have available information in detail as to these various

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U.S. DEPARTMENT OF JUSTICE

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situations through witnesses or documentary evidence to sustain the witness when and if attacked on the witness stand. The result was many of the witnesses were very severely attacked by the defense, who had prepared more definite information along these lines. The defense, of course, was not hampered by the rules of what was either honest or fair, although much of the information they assembled was undoubtedly true. Such principal witnesses as LAURENCE A. MILNER and JOHN L. LEECH were severely attacked, and LEECH possibly was actually tampered with by the defense before the hearing. The difficulties of these witnesses possibly, to a great extent, could have been avoided by adequate preparation of a suitable defense for any situation wherein they were falsely accused, or, their background having been adequately investigated, it might have been desirable to eliminate them as witnesses for the Government. Apparently no exhaustive effort was made as to either of these individuals, although some effort was made as to LEECH and the efforts of the defense to discredit him.

The same situation existed as to practically all witnesses concerned. Nothing was obtained, apparently, as to the background of these individuals or the controversial situations in which they might have previously been involved. The limitations apparent in the investigation of the various witnesses in the situation concerned is probably due in part to the lengthy inquiry, which continued over a period of about three years. Apparently they digressed at times into situations which were not adequately pursued to the benefit of the objectives sought in the case.

The picking of witnesses in this matter is not believed to have been very effective, in that it is possible other witnesses, who had had less difficulty in the past, could have been selected to present the Government's side of the case, and thus they could have avoided much of the controversial matter injected into the case by reason of the attacks upon the witnesses individually, rather than as to the substance of their direct testimony. They apparently accepted many of the statements of these witnesses at their face value, or sometimes they accepted the statement as obtained from an individual by an outside agency. The defense did not attack the substantive evidence of the witnesses in many instances, but concerned themselves solely with attacking the witness individually in order to eliminate his credibility. This apparently was very effective due to the character of some of the witnesses concerned.

The Immigration and Naturalization Service probably ill-advisedly allowed the course of the investigation in many instances to be influenced or directed by the activities of outside individuals,

9-5-40

undoubtedly of good intentions in most instances, but who were interested in what was considered the anti-labor side of the argument. This argument, of course, was injected into the case and it was to be expected that such an issue would be injected. I have reference particularly to such individuals as HARPER L. KNOWLES, chairman of the Radical Research Committee of the California Department of the American Legion, also engaged in other activities; Captain JOHN J. KEEGAN, Portland, Oregon, Police Department; and STANLEY M. DOYLE, Agent of the State of Oregon, and having other connections, possibly with organizations who might be affected by union activities. It is to be noted that on occasions these outside individuals were present when individuals were interviewed; that they possibly on occasion had first interviewed the prospective witness. This, of course, led to an accusation of a self-serving interest on the part of these individuals. It was also alleged that these individuals had unduly influenced certain witnesses in order to have them testify as to certain facts previous to the time they were made available to the Government agents. It probably would have been entirely correct for them to accept any and all information from these organizations, who I have indicated were undoubtedly of good intentions in most instances, but the investigation thereafter should have been pursued very vigorously as an independent operation of the Government, realizing the controversial issues which would be injected into the case.

Along these same lines as to the procuring of witnesses, some of the activity of the Government agents was not particularly discreet, although it undoubtedly was not intended to be false or irregular. I have in mind the situation of Defense Witness EARL KING. Inspector SHEARER contacted Attorney GARFIELD KING at Vancouver, British Columbia, and exhibited to him a letter from RAPHAEL B. BONHAM, District Director of Naturalization, Seattle, who was handling this investigation, in which he explained to Attorney GARFIELD KING that he believed that possibly EARL KING, his brother, then serving a sentence in San Quentin Prison, was innocent. BONHAM suggested that if GARFIELD KING would advise EARL KING to testify as to his knowledge of the activities of HARRY BRIDGES, he, BONHAM, would use his influence to secure a pardon for EARL KING. It was conceded that they did not request EARL KING to testify falsely; however, it is believed this was a very indiscreet way of handling the situation and, of course, made an easy situation for attack by the defense.

Much of the Government's case was presented by inspectors of the Immigration and Naturalization Service, who conducted the examination of the witnesses and the cross-examination of the defense witnesses. This was poorly, weakly, and awkwardly presented, in such a manner as to indicate the individuals concerned were not particularly schooled in

9-5-40

the proper methods and technique of examination of witnesses on the stand. Various questions were propounded and ignored by non-responsive answers, and thereafter not further pursued. Much of this questioning indicated a lack of preparation of the case as a whole, resulting in the questioning not adequately covering the collective objectives of the Government's case.


Incidental to the conduct of the case itself, it is believed this lack of knowledge on the part of the Government representative and the extremely liberal permission of the trial examiner resulted in many things being testified to as to situations which had no proper bearing on the case and served only to becloud the issues.

The following excerpt is borrowed from an article appearing in the January 20, 1940, issue of Liberty magazine, entitled More Snakes Than I Can Kill, by Congressman MARTIN DIES.

"..... A high official in the Labor Department came to my office at the time we were investigating the Harry Bridges case. He told me that he was troubled about the whole matter, but that if his name was mentioned in connection with what he was going to tell me it would mean that he would lose his job, which he could not afford to do. He got me to promise that I would not divulge his name. He then told me that the whole Harry Bridges deportation case was a disgraceful situation. He said that the Labor Department had no intention of deporting Bridges and that every aid and assistance was being rendered Bridges. He said that Lee Pressman, acting as Bridges' attorney, was in constant conferences with officials in the Labor Department."

The above may be a true presentation of the facts; however, it is my opinion that the rank and file of the Immigration and Naturalization Service whose activities are apparent in the HARRY BRIDGES situation apparently were making an honest effort to prove the facts in this situation, and that they believed he was a deportable alien. It is, of course, doubtful as to whether the termination of this case would have been any different if the additional facts available to the Immigration and Naturalization Service had been presented in the same manner as the other material submitted for the benefit of the trial examiner.

Respectfully submitted,


E. J. CONNELLEY,
Assistant Director.

EJC:AM

OFFICE OF DIRECTOR,

BUREAU OF INVESTIGATION

TO
 OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson _____ ()
 Mr. Clegg _____ ()
 Mr. E. A. Tamm _____ ()
 Mr. Foxworth _____ ()
 Mr. Nathan _____ ()
 Mr. Ladd _____ ()
 Mr. Egan _____ ()
 Mr. Glavin _____ ()
 Mr. Nichols _____ ()
 Mr. Rosen _____ ()
 Mr. Quinn Tamm _____ ()
 Mr. Tracy _____ ()
 Secretary _____ ()
McDermott _____ ()
Hiro _____ ()

See Me _____ ()

Note and Return _____ ()

Remarks:

12/22/87
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 b7C

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

KRM:RM

August 31, 1940

Mr. Tolson	✓
Mr. Clegg	✓
Mr. E. A. Tamm	
Mr. Foxworth	
Mr. Nathan	
Mr. Ladd	
Mr. Egan	
Mr. Glavin	
Mr. Nichols	
Mr. Hendon	
Mr. Rosen	
Mr. Tracy	
Miss Gandy	

me

MEMORANDUM FOR THE DIRECTOR

I am attaching hereto a rather
interesting disclosure concerning the interest
of the Department of Labor in the deportation
of Harry Bridges.

Respectfully,

H. H. Clegg

Enclosure

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/82 BY [redacted]

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1 ENCLOSURE

cc: Mr. Connelly, S.F.

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39-915-13
FEDERAL BUREAU OF INVESTIGATION
2 SEP 5 1940
U.S. DEPARTMENT OF JUSTICE

August 30, 1940

HARRY BRIDGES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/18/87 BY [redacted]

The following excerpt is borrowed from an article appearing in the January 20, 1940, issue of Liberty magazine, entitled, "More Snakes Than I Can Kill", by Congressman Martin Dies.

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"..... A high official in the Labor Department came to my office at the time we were investigating the Harry Bridges case. He told me that he was troubled about the whole matter, but that if his name was mentioned in connection with what he was going to tell me it would mean that he would lose his job, which he could not afford to do. He got me to promise that I would not divulge his name. He then told me that the whole Harry Bridges deportation case was a disgraceful situation. He said that the Labor Department had no intention of deporting Bridges and that every aid and assistance was being rendered Bridges. He said that Lee Pressman, acting as Bridges' attorney, was in constant conferences with officials in the Labor Department."

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39-915-13

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2 SEP 5 1940

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