

TESTIMONY OF HORACE CHANDLER DAVIS

Mr. TAVENNER. What is your name, please, sir?

Dr. DAVIS. Horace Chandler Davis.

Mr. TAVENNER. When and where were you born, Dr. Davis?

Dr. DAVIS. Ithaca, N. Y., August 12, 1926.

Mr. TAVENNER. What is your occupation or profession?

Dr. DAVIS. I teach mathematics at the University of Michigan.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been in preparation for the practice of your profession?

Dr. DAVIS. I attended Harvard University, I attended Harvard College first from 1942 to 1945 when I received the degree of B. S. After a period of naval service I returned to graduate school at Harvard, receiving the Ph. D. degree in 1950.

Mr. TAVENNER. When did you return to Harvard for work on your doctor's degree?

Dr. DAVIS. September 1946.

Mr. TAVENNER. Will you tell the committee, please, how you have been employed in the teaching profession since 1950, the time you received your doctor's degree?

Dr. DAVIS. Only since 1950.

Mr. TAVENNER. Has that entire employment been at the University of Michigan?

Dr. DAVIS. Yes.

Mr. TAVENNER. During the period of time that you were at Harvard as an undergraduate, say between 1942 and 1945, were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body of Harvard?

Dr. DAVIS. That is a question concerning my political associations, I believe, and I will refuse to answer all such questions before this committee.

Mr. TAVENNER. I suggest that the witness be directed to answer the question.

Mr. CLARDY. The witness is so directed.

Dr. DAVIS. I don't believe I am under any legal compulsion to answer that question. I believe that when you direct me to answer a question concerning my political beliefs or my political affiliations, that it is entirely without force. You are a congressional committee, and you can take no action which will infringe freedom of speech or freedom of assembly, and I maintain that questions concerning my politics under these circumstances do infringe my rights in that respect.

Mr. SCHERER. Do you consider the Communist Party to be a political party, as we hold political parties in the United States, Doctor?

Dr. DAVIS. Mr. Scherer, that is again a political question. You are asking my evaluation of a political subject, and I am not going to answer that, either.

Mr. SCHERER. I am only asking you that because of what you just said.

Dr. DAVIS. I understand, but the same objection to that question applies as to the previous one because it is a question concerning my belief on a political question. I might point out that I have not finished stating my reasons for refusing to answer the question that Representative Clardy directed me to answer.

Mr. CLABDY. You had a long pause there, and I am sure Congressman Scherer thought you had concluded. I know I did, and I was about to ask you one myself. Proceed, if you want to say anything more.

Dr. DAVIS. Thank you. I wanted to explain in what respect I believe that this question exceeds your authority. It seems to me that such a question infringes my freedom of speech. It infringes my freedom of speech because it seeks to oblige me to discuss my political activities and my political opinions under highly abnormal circumstances. This is not the way you discuss politics for the purposes of arriving at the truth. These are abnormal circumstances. I am under oath where I have to watch every word. In addition, I think that it infringes freedom of speech because it focuses attention in the evaluation of political ideas or of individuals on how close they are to Communist ideas or to the Communist Party, and thereby takes attention off the question of whether the ideas are right and the question of the worth of the individuals. I believe that this stifles the type of discussion which is necessary in a democracy in order that the people may arrive at the conclusions which are in accordance with their will.

Finally, I would claim that in addition to these two respects it also infringes the freedom of speech of people who are not on the stand. It infringes the freedom of speech of everyone in that it acts as a threat—it implies a threat that if their opinions are not such as to meet with the favor of this committee, they may be subjected to the same sort of treatment that the witnesses today are being subjected to, and in that respect it opens the way to stigmatization of political views which would lead the citizens to make political choice on the basis of fear rather than on the basis of reason.

Now, I would claim that it is highly essential to a democracy that this freedom of political choice be preserved; in fact, that this is the freedom which the first amendment is designed to protect. Therefore I claim that this question is improper since it exceeds the authority of Congress. It oversteps the bounds placed on Congress by the first amendment. Therefore, I am under no compulsion to answer.

Mr. CLABDY. At this juncture, Miss Reporter, will you, if you can find it, go back and reread the question for us.

(The question was read by the reporter as follows:

During the period of time that you were at Harvard as an undergraduate, say between 1942 and 1945, were you aware of the existence on the campus or in Cambridge of an organized group of the Communist Party made up chiefly of members of the student body of Harvard?)

Mr. CLABDY. Witness, I had that read back after you had concluded a rather plain, and I think understandable, statement of your position—

Dr. DAVIS. I had not quite concluded, by the way.

Mr. CLABDY. You paused again, and you fooled me, but I will say what I have to say now because I want to direct you to answer. I want to point out to you that you were only asked the question as to whether or not you knew of the existence of the group, not whether you were a member, not whether you took part in its activities, so in the conclusion, if you have more to say, I hope you take that into account, and since you say you want to weigh each word, I think I would suggest that you proceed maybe just a little bit slower, so that you won't misstate yourself.

Dr. DAVIS. I would like to repeat my reasons for feeling—or not repeat, I would like to state my reasons for feeling that this question is, as I claimed it was, a question concerning my political beliefs or associations. Information in this regard, if I had it, would imply something about my political knowledge and associations, and I will refuse to answer any questions of this nature.

Mr. CLARDY. Witness, I interrupt you again. You are merely asked if you knew of the existence of the group. Now, some of those groups have been very flamboyant in flaunting the fact that they did exist, and there can be certainly no odium attached to you to say that you knew it. Probably some of the most loyal citizens in that community, if there was such a group there, would know it also. It is not a question of odium or lack of odium.

Dr. DAVIS. I refused to answer the question not because it was odious or the answer would be odious, but because it was a question concerning my political beliefs or associations.

Mr. SCHEERER. I think that is where you miss the point. The Communist Party in this country has been declared by the Supreme Court of this land not to be a political party but a criminal conspiracy, and certainly we have the right and the duty to inquire as to the nature of the operation of that conspiracy in this country. That is the purpose of the questions being asked you, Doctor, so your whole premise is wrong. You consider it to be a political party, when it is not a political party. It is a criminal conspiracy seeking to overthrow this Government by force and violence. Now that has been clearly established, and you, with all the degrees behind your name, certainly know that, and you with your record in Communist Party activities certainly know that.

Dr. DAVIS. The question asked me—

Mr. CLARDY. Have you finished the recitation of your reasons why you were going to decline to answer?

Dr. DAVIS. I would like to add a few more points if I may.

Mr. CLARDY. All right, and then in the future if you are going to decline, without repeating this, you may merely say for the reasons already advanced.

Dr. DAVIS. I would like to explain that in my opinion not merely do I have the right to refuse to answer a question which has been improperly made, but that furthermore it is highly desirable for me to refuse to answer questions concerning my politics before this committee. If I were to answer these questions, I would be contributing to the precedent that everyone must, on demand by this committee, state his political position, his political affiliations, and therefore I would be contributing to the precedent that people's political activities must be judged in terms of their content. This, I think, does injury to the first amendment, and therefore my preference not to answer is based on desire not to oppose the first amendment to myself.

Mr. CLARDY. Does that conclude your statement of reasons?

Dr. DAVIS. With respect to that question, yes.

Mr. CLARDY. Very well. You were directed to answer as we went along. I will repeat it now, and if you desire to decline again on the same grounds, you may so state.

Dr. DAVIS. Certainly, if the question is improperly asked, I feel no compulsion to answer.

Mr. CLARDY. So you are again declining on the grounds already advanced.

Dr. DAVIS. Yes, on the grounds of the bounds placed by the first amendment to the Constitution.

Mr. CLARDY. Very well.

Now, to carry on something that was said by Congressman Scherer, do I correctly understand the gist of your argument to be that any effort on the part of this committee to discover the true facts with respect to the existence of Communist organizations anywhere in this Nation is against the Constitution, in fact prohibited by it, and that no one is under any compulsion to reveal any facts whatever about that conspiracy? Is that the gist of what you say?

Dr. DAVIS. I discussed questions as to my political beliefs and associations which you might put to me, including the one that you did put. I can't speak about hypothetical questions that you haven't asked yet.

Mr. CLARDY. Well, I asked you a question, and I will put it another way: Is it your position here today, as was implicit in the question of Congressman Scherer, that the Communist Party is no more nor less than a political party and that any question addressed to you concerning that group has to do with your political belief and faith?

Dr. DAVIS. This question that you asked asks for my evaluation of a political question. Therefore, you are asking me to state my view of this political question, and the same considerations that you mentioned before apply.

Mr. SCHERER. Pardon me. I ask that you direct the witness to answer your last question in the view of the answers he has given.

Mr. CLARDY. Yes, I think I should. You may, of course, have the privilege of declining on the same grounds if you wish, but I direct you to answer.

Dr. DAVIS. And I do decline on the same grounds.

Mr. CLARDY. Very well. But you missed the point, I am afraid, that I am trying to develop here. I want to ascertain whether you are of the honest belief, as far as your knowledge will permit you to have any belief, that the Communist Party is not a criminal conspiracy directed against this Government from abroad.

Dr. DAVIS. You are asking me for a political judgment, and I refuse to answer on the basis that I gave previously.

Mr. CLARDY. Very well. Congressman Moulder, you had a question.

Mr. MOULDER. I was going to ask him a more direct question. Would you believe in belonging to any organization described by Congressman Scherer which would promote or be involved in a conspiracy to overthrow the Government of the United States of America by force or violence?

Dr. DAVIS. I am opposed to violent revolution as a means of achieving political change.

Mr. MOULDER. Of course I understood from your first statement in response to the request of counsel, Mr. Tavenner, that your philosophy or belief in the beginning—for an example, the Socialist Party advanced many principles or beliefs which were many years later adopted by both the Democratic and the Republican Parties, and that was your feeling about the Communist Party. Is that how I understand you, that they had believed in certain principles which eventually could or should be adopted in this country?

Dr. DAVIS. I didn't state my opinion of the Communist Party.

Mr. CLARDY. In fact you refused to discuss the Communist Party, as I understand it. Am I not correct in that?

Dr. DAVIS. That was exactly the point.

Mr. CLARDY. You won't talk about it—period.

Dr. DAVIS. I won't talk about my political opinions with regard to the Communist Party or other parties.

Mr. CLARDY. And you won't even discuss with us whether or not the Communist Party is a political party instead of being a conspiracy as I frankly regard it.

Dr. DAVIS. That again is a request for a political judgment on my part.

Mr. MOULDER. Of course in the beginning—may I interpose by saying that maybe during the period of time in which the question has been applied to, the Communist Party wasn't at that period looked upon as a world conspiracy. It has only been in recent years when it has been discovered what its real purpose and motives were under a totalitarian system of government as controlled by the Soviet Union. Do you wish to distinguish between the Communist Party movement or the Communist objective today as of in prior years when you were in school at Harvard?

Dr. DAVIS. I am not sure I understand the question, but it sounds like a question seeking my political opinion.

Mr. MOULDER. That is all.

Mr. CLARDY. Well, of course we have no intention or desire of forcing you to answer anything. We have no power to do that, but I think you would serve your own best interests if you frankly answered the questions we have been trying to get you to answer, and that is as to whether you regard the Communist conspiracy as such or whether you honestly think today that it is no more nor less than a political party, much as the Democratic Party or Republican Party or any of the other parties may be.

Dr. DAVIS. I appreciate your desire to guard my best interests; however, for the reasons that I gave before, I will refuse to answer.

Mr. CLARDY. Well, we might as well get to the meat of the coconut, Mr. TAVENNER. Will you proceed.

Mr. TAVENNER. Dr. Davis, you were in attendance at Harvard in 1950 in pursuance of your graduate studies?

Dr. DAVIS. That is correct.

Mr. TAVENNER. The committee has received evidence that there was in existence during a part of that period, at least, a cell or group of the Communist Party, an organized group of the Communist Party among instructors at Harvard. Did you engage in any work of the character of instructor during that period of time?

Dr. DAVIS. Was I an instructor at Harvard?

Mr. TAVENNER. Yes.

Dr. DAVIS. I never held the rank of instructor at Harvard. I was a teaching fellow at Harvard in the year 1947-48.

Mr. TAVENNER. During that period were you aware of the existence of a group of the Communist Party within the graduate students or instructors at Harvard?

Dr. DAVIS. This again is a question concerning my political associations, and I refuse to answer that for the same reasons as before. I think it is an improper question.

Mr. SCHERER. Does that include the fifth amendment?

Dr. DAVIS. My reasons for refusing to answer I stated before. I feel that the fifth amendment is irrelevant. Whether or not you are trying to get me to be a witness against myself is not to the point because I claim that the question is improperly put in the first place.

Mr. SCHERER. Then you are not relying on the fifth amendment?

Dr. DAVIS. No.

Mr. SCHERER. As I understand it, you did not rely on the fifth amendment in refusing to answer all of the other questions which you have refused to answer?

Dr. DAVIS. That is correct, Mr. Scherer.

Mr. TAVENNER. Dr. Robert Graham Davis testified before this committee on February 26 of 1938 regarding a much earlier period at Harvard—it was 1938 and 1939—

Mr. CLARDY. May I interject there. Do you know Dr. Robert Graham Davis?

Dr. DAVIS. This seems to be a question concerning my friends and associates. I am not going to answer any questions in that regard, either. Earlier this morning you said, in connection with the testimony of Dr. Nickerson, that you might call to the stand people with whom he had conversed, and I feel that the possibility that you might do this to people who I might know or to determine whether I know people is a very strong argument for my not naming their names.

Mr. SCHERER. Do you know Dr. Nickerson?

Dr. DAVIS. I am going to explain my answer to all such questions, if you like.

Mr. SCHERER. I am just interrupting you.

Mr. CLARDY. Let him finish that answer, and then I think your question is a very good one, and I will ask you to answer it after you finish this one.

Dr. DAVIS. I am still answering the first question. If the committee is to discover the friends and associates of people called up before this committee and attacked by this committee, then I feel that the tendency of this will be to make people avoid association with anyone who might be attacked by this committee.

Mr. CLARDY. May I interrupt you to tell you that the Dr. Davis referred to was not only not attacked by this committee, but that he cooperated fully with the committee, that he is not now a member of the Communist Party, and that he has already testified. He is not someone who is yet to be called as your answer would imply up to this point.

Dr. DAVIS. Perhaps I should—

Mr. SCHERER. He was commended by the committee for his testimony.

Mr. CLARDY. Very much so, because he gave us a great deal of very helpful information that has been put to use in legislative proposals we have laid before the present Congress.

Dr. DAVIS. Apparently I haven't made clear my statement. I will try, beginning over.

Mr. CLARDY. Well, I think you have, but I was merely correcting two of the impressions you had.

Dr. DAVIS. My point is this: If witnesses are to be compelled to state before this committee who their friends and associates are under circumstances where the witnesses themselves are purported to be particularly shocking people, in other words, in connection with wit-

nesses such as myself who refuse to answer some of the committee's questions, then the tendency will be, of course, first, for people to dislike being named before the committee in this way, and second, for them to avoid in the future association with anyone who might perhaps be a witness before this committee and refuse to answer some questions. This constitutes definite pressure on them to choose only certain friends, only those who would be cooperative with the committee or who would not be called. This type of pressure is a restriction on their freedom under the first amendment to have whatever associations they please, and therefore I claim that this question in itself is improper as the other one was, and I would refuse to answer. In addition, if there is any intimation that the question concerned my political affiliations, then it would be even more improper because it would be a violation of the first amendment in the same way as other political questions would. That is my understanding of the Bill of Rights. Of course this would not necessarily apply if the question were other than a question as to personal acquaintances or a question as to political associations.

Mr. CLARBY. We have been talking about a man who is not a Communist and who has cooperated with the committee.

I am going to switch the scene for just a moment and ask you if it is not a fact that you were a friend of Gerhart Eisler.

Dr. DAVIS. I understand this to be a question of the same sort as previously. It is a question as to my personal associations, and I assume that in this case it would also be a question concerning my political associations; therefore, for both the reasons I gave before, I refuse to answer.

Mr. CLARBY. Proceed.

Mr. TAVENNER. Dr. Robert Gorham Davis testified at some length before this committee regarding the conduct of Communist Party affairs at Harvard during the period he was acquainted with it, he having been a member of the Communist Party at Harvard. The question of influence upon the faculty members upon the student body was discussed by him. He told the committee that at the time he was a member there was no direct connection between the faculty members and the student body on the subject of communism for security reasons. We are very anxious to investigate that situation fully and as at late a period as possible. We want to know from you, if you have knowledge of it, whether or not there was any relationship between the faculty members of the Communist Party and student body members of the Communist Party at Harvard and what influences were brought to bear by one group upon the other.

Mr. CLARBY. And in extension of what the counsel has said, we have before us for consideration now—speaking of the committee—some proposed legislative proposals. This answer, if you will choose to give it, will be information the committee can use to very good effect.

Now proceed.

Dr. DAVIS. Insofar as the question asks for my knowledge of political events, I must refuse to answer it on the same basis as the previous question. However, it perhaps implies a question as to improper practices in the conduct of classes or of relations between faculty and students at Harvard, and as such it is perhaps a proper question.

I will say that during the period that I was at Harvard I found the instruction there and the conduct of the faculty there to be of the highest quality.

Mr. TAVENNER. I had no intention of asking anything about the character of instruction.

Dr. DAVIS. I am sorry, I thought this did refer to the character of the instruction.

Mr. TAVENNER. No; absolutely not as to the character of instruction. I am not going into the classroom. I haven't been in the classroom. I am in Communist Party organizations; that is what I am confining my question to. Now will you answer it, please, in the light of that statement?

Mr. CLARKE. Maybe you had better rephrase it, Mr. Tavenner, so there will be no confusion.

Mr. TAVENNER. My question is, based upon evidence that the committee has received, whether or not there was any relationship between faculty members of the Communist Party, such as instructors, and student body members of the Communist Party, in a way in which one group would have any influence over the activities of the other group?

Dr. DAVIS. This is a question of the same sort as the previous ones, and I refuse to answer.

Mr. TAVENNER. I am trying to restate the question. As a matter of fact, weren't you in a position to know the answer to that question?

Dr. DAVIS. This is again the same sort of question, and I refuse to answer it for the same reasons.

Mr. TAVENNER. Were you not a member of the Wendell Phillips Club of the Communist Party in Cambridge, made up chiefly of members of the student body at Harvard?

Dr. DAVIS. I am not going to answer that for the same reason as before, and I think for an additional reason: An inquiry of this sort as to my association with a group which has been under such attack or in fact, as to my personal association with any such group, carries in this committee hearing an implication that certain answers would be reprehensible. This, I claim, infringes my freedom of speech in addition to the infringements that I discussed before in connection with any political question.

Mr. CLARKE. May I point out to you, witness, this one very important fact: Unless you have been associated with some group that you, yourself, as you define it, regard as reprehensible, a truthful, honest answer can do nothing other than serve your own best interests. If the group was of a subversive character, if the group was reprehensible in some way or other, it is, of course, conceivable that a truthful answer that you know something about them or that you associated with them or that you did something in connection with them, conceivably might do something to you. But you are being given here today—the first time you have been confronted with any of these questions, because we have said nothing to the public, to the press, or to anyone else until you took this stand—you are being given today a full, free, fair opportunity to say to the public and to this committee and to the Congress whether or not you have had any associations whatsoever, remote or otherwise, with a conspiracy whose avowed purpose is the destruction of the freedom that we enjoy, and your con-

tinued refusal, prating the Communist Party line—and it is nothing else, because we have had it from witness after witness—will do you ill, and I think you ought to reconsider your position during the noon hour—because we are going to adjourn within the next about 7 minutes—and come back and tell us all that you know, if you do know anything. If you do not, a frank, honest answer that you do not, instead of all of this lengthy discussion about something that is entirely irrelevant in the opinion of the Chair, if you will do that, you will serve your own best interests. Now, I am interjecting that so you will understand that all we are seeking are facts, and we are not interested in your political beliefs, your political faith, if you have any. We are not interested in anything else except in uncovering all of the tentacles of the Communist conspiracy, and if you can aid us, you can tell us what you know. If you cannot, you can deny any knowledge instead of retreating behind the first amendment as you have.

Will you proceed, Mr. Tavenner.

Dr. DAVIS. If that was a question, I would like to answer it.

Mr. CLARDY. It is not a question. I am merely imploring you to reconsider what I think is an ill-advised decision on your part to take a stand that will do you a disservice.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Dr. Wendell Hinkle Furry, from Harvard, was also a witness before this committee. On his first appearance before the committee he refused to answer any material questions relating to the operation of the Communist Party organization within the faculty at Harvard, but he came back voluntarily several weeks later and stated to the committee that he was not then a member of the Communist Party and had not been a member since 1948.

Mr. CLARDY. I think you were wrong as to the date. I think I managed to back him up on the calendar for about a year and a half or 2 years, and I think he established a March 31, 1952, or 1951 date. My memory may be in error, but it didn't go very far back.

Mr. TAVENNER. I believe you are correct. Do you know in what department Dr. Furry taught at Harvard?

Mr. MOULDER. Let me ask the witness, do you know Dr. Furry?

Dr. DAVIS. That question I am sure I should not answer on the grounds that I gave previously. It is a question concerning my personal associations. I was wondering what I should say to the question Mr. Tavenner asked.

Mr. SCHERER. You have refused to answer the question as to whether or not you know Dr. Furry, and you are not declining to answer or not refusing to answer that question on the basis of the fifth amendment, I understand.

Dr. DAVIS. The question involved Dr. Furry?

Mr. SCHERER. Yes.

Dr. DAVIS. That is correct. My grounds are not those. I do have, and I do not want to relinquish, the right to refuse to be a witness against myself. However, that is not necessarily pertinent on this question because this question is improper from the outset.

Mr. MOULDER. May I ask: Were you a student at Harvard at any time while he was instructor or teacher there?

Dr. DAVIS. When was he a professor or teacher there?

Mr. MOULDER. During that period—

Mr. CLARDY. Do you know when he was professor or teacher there?

Dr. DAVIS. I am uncertain what my answer should be to that for the—

Mr. CLARDY. Take your time.

Dr. DAVIS. Thank you. I believe I can answer that. I don't believe that it does concern my personal associations. I know what department he was in, yes, and I don't know exactly which years he was teaching there, no.

Mr. CLARDY. And you therefore, am I to understand, did not know him personally?

Dr. DAVIS. I would refuse to answer that on the same basis as before.

Mr. TAVENNER. What was the department in which he was a teacher?

Dr. DAVIS. Physics.

Mr. TAVENNER. Did you take any courses under him?

Dr. DAVIS. Yes.

Mr. TAVENNER. What were the courses, and what years?

Dr. DAVIS. The years, I believe—I believe in the fall semester, 1946, physics 40-A. On the spring semester, 1947, physics 40-B, and in the fall semester, 1947, physics 40-C.

Mr. TAVENNER. Were you aware of any Communist Party activities on his part during that period of time?

Dr. DAVIS. That is a question of a similar nature to those which I refused to answer before, and I would further refuse to answer on the grounds that it might be specifically an infringement on his right of freedom of speech.

Mr. CLARDY. Perhaps I should tell you that under familiar court decisions you are entitled to invoke your constitutional objections only as they apply to you and not on behalf of anyone else.

Dr. DAVIS. Thank you.

Mr. MOULDER. May I ask, how far do you think one's privilege of freedom of speech should extend? I mean, do you think it should extend so far as to advocate the overthrow of the United States Government by force or violence, for one example, is one question I would ask.

Dr. DAVIS. In other words, do I think that Congress is exceeding its powers if it abridges the right to make a statement favoring the overthrow of the Government by force and violence, is that the question you are asking?

Mr. MOULDER. Yes. I say: Do you think any person in this country, whether he be an American citizen or not, has the privilege of freedom of speech to the extent of advocating and teaching the overthrow of our Government by force and violence?

Dr. DAVIS. Mr. Moulder, I have had to answer a few questions about my political opinions in order to explain my reasons for not answering, but I otherwise am refusing to answer questions concerning my political opinions, and it seems to me this is a question of that sort, so that I should refuse to answer that, too.

Mr. MOULDER. Do you feel that one, as a professor or even in any other vocation or profession, should have the freedom of speech to the extent of advocating disloyalty to our Government?

Dr. DAVIS. That sounds to me again like a request for a political judgment.

Mr. CLARDY. The hearing will be recessed until 1:30.
 (Thereupon, at 12 noon, the hearing was recessed, to reconvene at 1:30 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 1:30 p. m. of the same day, the proceedings were resumed, Representatives Kit Clardy (acting chairman), Gordon H. Scherer, and Morgan M. Moulder being present.)

Mr. CLARDY. The committee will be in session. Will the witness resume the stand. Proceed.

Mr. TAVENNER. Dr. Davis, were you aware of whether or not professors from the Massachusetts Institute of Technology took part in Communist Party activities along with groups of Communists at Harvard?

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Dr. DAVIS. I again refuse to answer on the basis that this question refers to my political associations.

Mr. TAVENNER. Were you acquainted with Dr. Dirk Struik?

Dr. DAVIS. This question, like others you have asked, refers to my personal associations, and I refuse to answer that, too.

Mr. SCHERER. Who was Dirk Struik?

Mr. TAVENNER. Dr. Dirk Struik was a member of the Department of Mathematics at Massachusetts Institute of Technology.

Mr. CLARDY. He has appeared before this committee some time back?

Mr. TAVENNER. Yes, and refused to answer questions relating to Communist Party activities, relying upon the fifth amendment.

Mr. CLARDY. He has, however, been identified by a number of other witnesses who appeared before us as a member of a [Communist] cell.

Mr. TAVENNER. That is true.

Dr. DAVIS, there has come to the attention of the committee a pamphlet entitled "Operation Mind," which was disseminated at the time the Committee on Un-American Activities arrived in Detroit for its hearing in 1952. This pamphlet calls upon all groups to oppose the committee's presence in the area of Detroit. I have it before me; I see that there is a notation on it stating, "distributed by University of Michigan Council of the Arts, Sciences, and Professions, and the Civil Liberties Committee of the University of Michigan." Were you a member of either of those two organizations at the time that that pamphlet was disseminated?

Dr. DAVIS. I am sorry you are so distressed by this opposition.

Mr. CLARDY. I didn't hear what you said.

Dr. DAVIS. I said I am sorry you are so concerned about this opposition.

Mr. CLARDY. What makes you think we are concerned? We are merely seeking to get facts, and if you had anything to do with it, you should not hesitate at all to tell us. Don't try to lecture the committee, please.

Dr. DAVIS. And this question is a question again about my association or lack of association with groups which as described are certainly political, and this certainly therefore comes under my previous refusal.

Mr. TAVENNER. Were you not the treasurer of the Ann Arbor chapter of the Arts, Sciences and Professions at the time of the dissemination of that document?

Dr. DAVIS. That is exactly the same type of question, and I refuse to answer again.

Mr. CLARBY. I direct that you answer the question.

Dr. DAVIS. I refuse to answer on the same basis as before. I say that your direction that I answer is without force.

Mr. CLARBY. Do you conceive that there is something about that organization that is subversive in nature?

Dr. DAVIS. I conceive that there may be something about that organization which is political in nature, and I claim that your questions as they pertain to my political activities exceed your constitutional authority. I am not refusing to answer exclusively on the grounds that there might be blame attached to me for a correct answer; I am refusing to answer on the basis that you are exceeding your authority in asking the question, and I am extremely concerned to defend the democratic rights which we enjoy in this country, of which you spoke this morning, and in line with that defense I must challenge you, and I believe you have been overstepping your authority as a Government officer.

Mr. SCHERER. You are not refusing to answer the question with reference to this pamphlet on the grounds of the fifth amendment then, are you?

Dr. DAVIS. No, I am not. I am answering—

Mr. SCHERER. You are not invoking the fifth amendment?

Dr. DAVIS. I am answering on the previous grounds. If the question pertains to the pamphlet, there is additional reason for refusing to answer, namely the provision that Congress shall not restrict freedom of the press, because I believe that freedom of the press implies the freedom to issue written material and to circulate written material and to read written material without intimidation.

Mr. SCHERER. Yes, but by this pamphlet you seek to prevent the right of a committee to meet in the State of Michigan.

Dr. DAVIS. I beg your pardon?

Mr. SCHERER. You seek to prevent this committee meeting in the State of Michigan. You would deprive this committee of the very thing that you say you want protected.

Mr. CLARBY. Yes, you want free speech for everybody.

Mr. SCHERER. But you don't want free speech for this committee.

Mr. CLARBY. You want free speech only for everybody who agrees with you, and you do not like anyone's viewpoint other than yours expressed, if I understand your "Operation Mind" pamphlet and your attitude here today.

Dr. DAVIS. This is a question?

Mr. CLARBY. I am telling you the facts, sir. Isn't the reason that you are refusing to answer this question or say anything about it because of its Communist origin, inspiration, and direction?

Dr. DAVIS. Is this a question also?

Mr. CLARBY. Yes, sir. If you don't understand questions, then that line of degrees that you have has misled me terribly. Now, can you answer it?

Dr. DAVIS. Once before when I thought you were asking me a question, you weren't.

Mr. CLARBY. Read the question, Miss Reporter.

(The question was read by the reporter as follows:

Isn't the reason that you are refusing to answer this question or say anything about it because of its Communist origin, inspiration, and direction?

Mr. CLARBY. Isn't that the fact?

Dr. DAVIS. The answer to that question is the same as the answers I have given previously to questions about my political beliefs or affiliations.

Mr. CLARBY. Proceed, Mr. Taveaner.

Mr. SCHERER. Just a minute. Weren't you the author of that pamphlet?

Dr. DAVIS. This is again a question concerning my——

Mr. SCHERER. I should say it is.

Dr. DAVIS. This is a question concerning what political activities I engaged in and concerning what words I wrote, and I therefore claim that that is an improper question, both because it violates freedom of political choice——

Mr. CLARBY. If Rudyard Kipling——

Dr. DAVIS. Also freedom of the press.

Mr. CLARBY (continuing). Should he asked if he was author of a given article or book, do you think he would be ashamed to acknowledge it? Aren't you in effect saying, "I am ashamed to admit that I was the author of the article in question"?

Dr. DAVIS. I am not saying now and I will not say that I am ashamed of any political activities I have engaged in or any political opinions that I hold. If I am convinced my political ideas are wrong, naturally I will change them, so what need to be ashamed of them, and I can be convinced only by reason and facts.

Mr. CLARBY. Do you have any familiarity at all with the document about which Congressman Scherer and Mr. Taveaner inquired?

Dr. DAVIS. This is a question, I believe, which concerns my political affiliations and activities, and it also concerns what I read, and I will not answer questions of that nature.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question, whether or not he was the author of the pamphlet in question.

Mr. CLARBY. I so direct, witness.

Dr. DAVIS. I will not answer because I assert that it is an improper question.

Mr. SCHERER. And you are not relying on the fifth amendment?

Dr. DAVIS. That is correct.

Mr. SCHERER. The witness is obviously in contempt of the Congress of the United States.

Mr. CLARBY. There is no doubt about that. He has been in contempt all day here, but I think on this last question that it should be made perfectly clear to him that we are inquiring about something on which we have positive knowledge of your direct connection, and your refusal to answer something that is public knowledge cannot in anyway incriminate you. You haven't raised that objection.

Dr. DAVIS. I have not.

Mr. CLARBY. It certainly is not an invasion of any of the rights under any other amendment to merely inquire whether you are the author, proud or not as you may be, of what you have done. If you

are ashamed of it, you can change your mind and tell us you repudiated it later, but we are not even asking you to do that, to merely acknowledge that you did it.

Mr. SCHERER. An article which seeks to restrict the speech of the Congress of the United States.

Dr. DAVIS. I would deny that I am in contempt of Congress. I am attempting to cooperate with the Government to the highest possible degree.

Mr. CLARDY. By not answering questions?

Dr. DAVIS. In challenging the committee when I believe that it is overstepping the bounds allowed it by the Constitution.

Mr. SCHERER. Am I overstepping the bounds when I ask you about your connections with Gerhard Eisler, a man who fled the United States to avoid prosecution and who is now the leader of the Communist group in Germany in the zone occupied and governed by Soviet Russia?

Dr. DAVIS. You are again asking me about my personal association, and I elude that information as to my personal.

Mr. SCHERER. Personal association as to a conspiracy, you say that is overstepping our bounds?

Dr. DAVIS. Did you ask me whether I was conspiring?

Mr. SCHERER. No, whether you know him.

Dr. DAVIS. You asked me whether I know him. That is a question as to my personal associations, and I refuse to answer.

Mr. SCHERER. When did you last hear from him?

Dr. DAVIS. I think that is the same sort of question.

Mr. SCHERER. Have you heard from him since he left this country?

Dr. DAVIS. Again the same answer.

Mr. SCHERER. You are not invoking the fifth amendment on the question?

Dr. DAVIS. No.

Mr. CLARDY. Are you acquainted with and do you know President Harlan Hatcher of the University of Michigan?

Dr. DAVIS. That is again the same sort of question. I refuse to answer for the same reason.

Mr. CLARDY. Please, we must insist there be no demonstration, either way, of approval or disapproval.

Now obviously you are not raising the fifth amendment in connection with my question.

Dr. DAVIS. With neither of them.

Mr. CLARDY. Would you refuse to answer any question of this committee with respect to your knowing anyone, including members of the staff or this committee?

Dr. DAVIS. If there was an implication that there was anything improper in my knowing the person, or if the question was asked other than as a question regarding my personal associations, I don't know. The questions that you have asked me sounded to me like questions about my personal associations or about my political associations, and I would claim that you are overstepping your rights when you insist on my answering them.

Mr. CLARDY. Asking you about your acquaintance with President Hatcher then is invading your field of freedom of speech or something of that kind?

Dr. DAVIS. Yes. Let me give you an example to show you how.

Mr. CLARDY. No, you don't have to give me an example. You have made it perfectly plain. Proceed, Mr. TAVENNER. Let us make this as short as we can, because I don't think any useful purpose will be served.

Mr. TAVENNER. I have a good many questions I would like to ask the witness.

Mr. CLARDY. I have a lot I would like to ask him, but I don't care to encumber the record with this sort of thing.

Mr. TAVENNER. Dr. Davis, isn't it a fact that the University of Michigan Council of the Arts, Sciences, and Professions and the Civil Liberties Committee of the University of Michigan had nothing to do with the distribution of this document?

Dr. DAVIS. I won't answer that for the same reason.

Mr. TAVENNER. Isn't it a fact that they had not approved at any time of the issuance of the document?

Dr. DAVIS. I will not answer that question for the same reason.

Mr. TAVENNER. Isn't it a fact that on February 20, 1952, you placed an order with the Edwards Letter Co., 711 North University, Ann Arbor, Mich., for the printing of this pamphlet, and that you ordered 4,000 copies at a cost of \$112?

Dr. DAVIS. That question is improper, just as the others are.

Mr. CLARDY. Are you refusing to answer?

Dr. DAVIS. Yes.

Mr. CLARDY. For your own protection, I suggest you should say that, if you are refusing to answer, because the kind of answer you gave will afford you not even a smidgen of a legal ground on which to stand in the event of a contempt citation.

Dr. DAVIS. Thank you, Mr. Clardy.

Mr. TAVENNER. Isn't it a fact that you are the author of that document?

Dr. DAVIS. I thought I had already refused to answer that.

Mr. TAVENNER. Isn't it—

Mr. SCHERER. Wait a minute. Let us not let him get by with that. I ask you to direct the witness to answer that question.

Mr. CLARDY. You are so directed.

Dr. DAVIS. I refuse to answer that question on the grounds that it is an improper one.

Mr. TAVENNER. Didn't the composition of that document, its issuance, and dissemination, result from a meeting that was held on February 4, 1952, in the home of Betty Enfield?

Dr. DAVIS. I refuse to answer that question for the same reason.

Mr. TAVENNER. Isn't it a fact that you and several other members of the Communist Party, including Ed Shaffer and Lawrence K. Northwood, expecting that members of the Communist Party from Ann Arbor would be subpoenaed before the hearing contemplated to be conducted in Detroit in 1952, met and had counsel there to advise and discuss with you and your group what attitude should be taken in the event any of the members of the Communist Party from Ann Arbor were called as witnesses before the committee?

Dr. DAVIS. This is a rather elaborate question, but it seems clear that it relates to my political activities, and accordingly I refuse to answer.

Mr. SCHERER. It might relate to subornation of perjury, that might. That doesn't deal with political activities, sir.

Dr. DAVIS. Are you charging me with subornation of perjury?

Mr. SCHERER. I just said it might deal with subornation of perjury, such a question. You might properly invoke the fifth amendment to that question, I can see that.

Mr. CLARDY. You are not invoking the fifth amendment, though, as I understand it.

Dr. DAVIS. That is correct.

Mr. TAVENNER. Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

Dr. DAVIS. I refuse to answer on the same basis as before.

Mr. SCHERER. You mean suppress the activity of this committee?

Mr. TAVENNER. Not suppress, but to interfere with the conduct of the hearings by the pamphlet which you originated and distributed.

Mr. SCHERER. They want freedom of speech for—

Mr. TAVENNER. I am not certain whether the witness has answered the question.

Mr. CLARDY. No, he hasn't.

Dr. DAVIS. I didn't know it was a question, I am sorry. I thought it was an assertion.

Mr. TAVENNER. Will you read the question, please.

(The question and answer was read by the reporter as follows:)

Was it not as a result of that conference that you began work on the preparation of this pamphlet for the direct purpose of impeding the committee in the investigation in which it was then engaged?

Answer. I refuse to answer on the same basis as before.

Mr. TAVENNER. He has answered the question.

Mr. CLARDY. You rephrased it, and I will now direct him to answer it, because I think it is important.

Dr. DAVIS. I still refuse to answer for the same reason.

Mr. CLARDY. Proceed.

Mr. TAVENNER. I note near the end of the article or the pamphlet a statement:

Here is what you can do to prevent thought control in America.

Did you read the reports of the Committee on Un-American Activities; that is, the results of hearings which had been conducted by it in order to come to the conclusion you reached in this pamphlet?

Dr. DAVIS. This question implies the previous one so clearly I must refuse to answer it for the same reasons.

Mr. TAVENNER. I am wondering if you at any time did read hearings conducted by the Committee on Un-American Activities, particularly in the field of entertainment, with special reference to communism in the moving picture industry?

Dr. DAVIS. It seems possible to me that this question again is one concerning what I have read and thought politically, but I will say that I have taken pains to acquaint myself before testifying here with my rights before the committee and to give careful consideration to what I believe my rights to be.

Mr. TAVENNER. Did you acquaint yourself with the plan of the Communist Party and what the Communist Party did to stifle freedom of thought and freedom of expression among the writers in the moving picture industry.

Dr. DAVIS. It seems to me that there is a great deal of opinion implied in that question, and I certainly am not going to answer it for that reason, as I explained previously.

Mr. TAVENNER. Did you read the testimony of Budd Schulberg?

Dr. DAVIS. I suppose that is a question that I should answer, yes. No, I did not read the testimony of Budd Schulberg.

Mr. TAVENNER. You did not take the pains to inquire from the work of the Committee on Un-American Activities the extent of thought control exercised by Communist Party over its own members, did you?

Dr. DAVIS. I have taken pains to inform myself on all important political issues. I will not discuss with the committee what conclusions I reached or what methods I used to inform myself.

Mr. TAVENNER. Did you inform yourself from Communist Party sources instead of from sworn testimony before the Committee on Un-American Activities?

Dr. DAVIS. In other words, have I read material issued by Communist sources. I refuse to answer that on the same basis as previously.

Mr. TAVENNER. Isn't it a fact that this document which you allegedly composed and disseminated was intended as a defense of the Communist Party.

Dr. DAVIS. That question also exceeds your congressional authority, and I refuse to answer.

Mr. CLARDY. Witness, we have had a number of very prominent people before us. A week before last and last week in Detroit we had someone in particular, I remember, who became disillusioned with the Communist Party, when that witness discovered that in the field of science in which this person was employed, the Communist Party was attempting to lay down by governmental decree what the scientists should think. Now that has been shown to be the Communist Party line in every field, including that of education. Is it not in your mind that you should assist your Government in every way you can in bringing out any knowledge that you may have about that operation and that method that the Communist Party uses in your own field?

Dr. DAVIS. Are you asking me whether—

Mr. CLARDY. I am asking you, shouldn't you cooperate with us and tell us if you have any knowledge about the Communist Party operations, what you do know, because of the oppressive effect of the directives of that party on the very thing you are pretending to defend, that is, freedom of thought and freedom of speech.

Dr. DAVIS. As I have explained to you before, my responses here today are dictated by my desire to defend the freedom of political choice, the freedom of decision, and I might add also my desire to defend the freedom of choice in any field of thought. As a teacher, of course, I am not in favor of the accepting by teachers of directives which they are unable to challenge, either from the Communists or from this committee or from anyone else.

Mr. TAVENNER. Don't you know as a matter of fact that the Communists operate precisely contrary to what you state is the principle that you believe should prevail?

Dr. DAVIS. Mr. Clardy, again you are asking me a question of my political judgment on a political issue.

Mr. CLARDY. Yes; and you as a good American citizen ought to have informed yourself since you have been educated largely at the expense of the taxpayers of this country—you should be happy to tell us that you do know and understand that the Communists do plot the destruction of the very thing that you are seeking to defend. Your unwillingness leaves a very bad impression on me, I must tell you.

Dr. DAVIS. I am happy to tell you that I have an opinion—

Mr. CLARDY. What is it?

Dr. DAVIS. On this and many other political questions, but have explained to you long ago that I am not going to state my opinions before this committee for reasons which I made clear.

Mr. CLARDY. You have made them clear. That means you are not going to cooperate with your Government in the effort to stamp out the most hateful conspiracy that would destroy us that we have met face to face. I can't understand your attitude, doctor. I think you are doing yourself, your Congress, and your country one of the greatest disservices possible, and I want to explain one thing: There are some nonlawyers who honestly believe that it is possible for a witness to incriminate himself by telling the truth before this committee when he has not in fact been guilty of some crime. That is not the law. I don't care who says it, and you cannot in any way endanger your freedom or your security; you cannot subject yourself to a prosecution, if you tell the truth, unless somewhere in the background there has been some action or some connection on your part with something other than membership in the Communist Party. I am a little sick and tired of people prating to the American public that if a witness answers a single question here he endangers his security, that he may go to jail; that is an unmitigated falsehood. It has never been true, and no witness that has appeared before us and has testified truthfully has ever gone to jail or ever will go to jail. If you lie or if you have been engaged in something of a criminal nature, you do endanger yourself, but I am sick and tired of the bleeding hearts who would have it appear—and it isn't true—that appearing before the Congress of the United States and telling the truth will in some way or other endanger you. It is a false statement.

Dr. DAVIS. I deny that I am refusing to cooperate with Government. I am cooperating with Government to the best of my ability as a citizen in attempting to restrain Government officers who I believe are exceeding the authority of their office.

Mr. CLARDY. Even when we are trying to destroy a conspiracy against us, you still adhere to that viewpoint.

Dr. DAVIS. I say that you are exceeding the authority of your office.

Mr. SCHERER. Do you expect us to believe that you really believe that?

Dr. DAVIS. I don't see the pertinency of inquiring into my opinion of your motives.

Mr. CLARDY. Proceed, Mr. TAVENNER.

Mr. TAVENNER. Dr. Davis, have you ever held a commission in the United States Naval Reserve?

Dr. DAVIS. Yes.

Mr. TAVENNER. During what period of time did you hold such a commission?

Dr. DAVIS. I was commissioned in either June or July of 1945, and I can't remember when I ceased to be an officer in the Naval Reserve. I was separated from active service in July 1946, but I am not sure-----

Mr. SCHERER. You don't hesitate to tell us about that association, do you?

Dr. DAVIS. This concerns governmental operations which clearly are within the scope of the committee; yes.

Mr. SCHERER. That's different; yes. Go ahead, counsel.

Mr. TAVENNER. Have you ever applied for United States passport?

Dr. DAVIS. Yes.

Mr. TAVENNER. Was it granted you?

Dr. DAVIS. Yes.

Mr. TAVENNER. When did you travel abroad—or did you travel abroad under it?

Dr. DAVIS. Yes, I did.

Mr. TAVENNER. When was that?

Dr. DAVIS. That was from, I believe, June of 1952 until September of 1952.

Mr. TAVENNER. In what countries did you travel?

Dr. DAVIS. Primarily in France.

Mr. TAVENNER. In what other countries did you travel?

Dr. DAVIS. Switzerland for 1 day, Monaco for 1 day, and Ireland and Canada as stops on the plane coming back.

Mr. TAVENNER. A passport has a life of 2 years. Do you still hold it?

Dr. DAVIS. No, I don't.

Mr. TAVENNER. Why?

Dr. DAVIS. The passport was claimed by a representative of the Department of State in November of 1952.

Mr. CLARDY. You mean it was revoked by the Department of State.

Dr. DAVIS. It may have been revoked; I am not certain.

Mr. SCHERER. You know it was revoked. Why do you say "It may have been revoked"?

Dr. DAVIS. I am the authority on what I know, Mr. Scherer. I don't know whether it was revoked.

Mr. SCHERER. Not a very good authority.

Dr. DAVIS. I know it was reclaimed by the Department of State and it is not in my possession now.

Mr. CLARDY. Weren't you advised in writing by the Department of State that it was being revoked?

Dr. DAVIS. I was not advised of anything in advance of its being claimed. It was picked up by a representative of the Department of State.

Mr. CLARDY. Were you advised afterward?

Dr. DAVIS. Yes, in response to inquiry the State Department told me the reasons for its being claimed.

Mr. CLARDY. It was not returned to you at any rate?

Dr. DAVIS. That is right.

Mr. SCHERER. You are using the word "claimed" instead of "revoked."

Dr. DAVIS. I don't know the technicalities, Mr. Scherer; I don't know.

Mr. SCHERER. With your Ph. D. you don't know the difference.

Dr. DAVIS. Between what and what?

Mr. SCHERER. The State Department claiming your passport or revoking your passport.

Dr. DAVIS. I don't think anybody has revoked my Ph. D.

Mr. SCHERER. Well, maybe they haven't.

Mr. TAVENNER. Were you requested to surrender your passport?

Dr. DAVIS. Yes.

Mr. TAVENNER. For what reason?

Dr. DAVIS. As I say, the man to whom I surrendered it did not state the reason.

Mr. TAVENNER. What reason was given to you?

Dr. DAVIS. In response to inquiry the State Department informed me that the passport had been revoked because of a-----

Mr. SCHERER. You say the State Department informed you that it had been revoked. You just used those words.

Dr. DAVIS. As I said, I don't know what word is technically correct.

Mr. SCHERER. You just said it.

Dr. DAVIS. I am not certain whether the word "revoked" is technically correct or not. I am sorry.

Mr. CLARDY. Proceed to finish your answers of the question.

Dr. DAVIS. The Passport Division of the State Department informed me that my passport was being confiscated, at any rate, as a result of information from an unnamed informant to the effect that I was a Communist.

Mr. SCHERER. Was that information that the State Department had correct?

Dr. DAVIS. That is the same question you asked before. I will refuse to answer it on the same basis.

Mr. CLARDY. Now I want to ask you this, in view of what you have written in the past: Following that revocation did you attempt to go into the courts of this land and meet that accusation head on in any way?

Dr. DAVIS. I took no further steps.

Mr. CLARDY. Did you protest it in any fashion whatever?

Dr. DAVIS. No, I did not.

Mr. CLARDY. Did you make any public statement of any kind denying the fact that you were a member of the Communist Party and that the revocation had been unjustified?

Dr. DAVIS. This concerns my public statements that I might have made and not governmental operations; therefore it is an improper question.

Mr. SCHERER. I ask that you direct the witness to answer that last question.

Mr. CLARDY. I so direct, witness.

Dr. DAVIS. I refuse to answer on the grounds that this question is an improper one because of the restrictions on congressional authority of the first amendment.

Mr. CLARDY. Then if any wrong was done you by your Government, you did absolutely nothing to right that wrong, did you?

Dr. DAVIS. I took no further steps to recover my passport.

Mr. TAVENNER. Just answer my question. You took no steps whatever to right the wrong, if it was a wrong, did you?

Dr. DAVIS. I thought I had answered it.

Mr. CLARDY. You haven't yet.

Mr. MOULDER. Let me ask a question.

Mr. CLARDY. Have you answered yet? Are you refusing to answer?

Dr. DAVIS. If you are asking whether I took steps through governmental channels to recover my passport, the answer is "No." If you are asking whether I took steps through political action to convince my fellow citizens that such actions as the revocation of my passport should be avoided by the Government, the answer is that this is a question concerning my political activities, and I must refuse to answer for the same reasons I gave before.

Mr. CLARDY. You appreciate the fact that there was a good legal remedy available to you if the truth was on your side, didn't you?

Dr. DAVIS. There was a remedy available to me. I was informed of the possibility of appealing through the Department of State.

Mr. CLARDY. That is right, and then if necessary, taking it on beyond even into the courts which you, as I understand it, deliberately and without pressure, chose to remain silent.

Dr. DAVIS. That is correct.

Mr. CLARDY. Despite the fact that you must have known that the grounds upon which the passport was called in was bound to be known by a number of people. Now, my question is, why didn't you do something if you were not a member of the Communist Party?

Dr. DAVIS. I would like to say in the first place that this concerns my motive in making a decision definitely of a political nature, and therefore it is an improper question. I point out also the fact which you didn't mention, that the appeal procedure would have involved subjecting myself to the same sort of political inquiry that you are conducting here today.

Mr. CLARDY. In other words, you don't like the courts, either? Is that what you mean?

Dr. DAVIS. Would you read my answer again, please?

Mr. CLARDY. I heard your answer. Don't read it. Is that what you mean, you do not like the courts, either, and are by that answer attacking the justice of the United States as we find it in our courts?

Dr. DAVIS. No, that is not what I mean.

Mr. CLARDY. Then what do you mean?

Dr. DAVIS. What I mean is that I refuse to answer on the basis that the question is an improper one because of the first amendment.

Mr. CLARDY. You are and were willing to suffer under the indictment of being called a Communist, even though that is not a criminal offense as yet—my bill hasn't been approved. You were willing to suffer under that without doing anything.

Dr. DAVIS. The question of whether I suffered is again a question which I will not answer.

Mr. CLARDY. You mean by that you did not suffer because of that charge?

Dr. DAVIS. I mean that I will not answer as to whether or not I suffered.

Mr. CLARDY. Well, I take it for granted the suffering wasn't very great. It doesn't show at the moment. Will you proceed, Mr. Tavenner?

Mr. MOULDER. Mr. Chairman.

Mr. CLARDY. I beg your pardon.

Mr. MOULDER. The witness' statement about the restrictions were placed upon the Committee on Un-American Activities, on what law

do you base your statement that there are restrictions upon this committee?

Dr. DAVIS. On the basis that the first amendment prohibits Congress from passing legislation adversely affecting freedom of speech, freedom of assembly, and other freedoms of the citizens, and on the basis that the powers of Congress to investigate can't possibly involve its impinging any rights that it is denied the power to impair by legislation.

Mr. CLARKE. We can't, in other words, do anything to discover whether there is a Communist conspiracy seeking to destroy us.

Dr. DAVIS. My understanding would be--my understanding of the Constitution would be that you had the right to seek information on all subjects, but not if this involved interfering with freedom of speech, freedom of assembly, and other rights protected by the Bill of Rights.

Mr. MOULDER. I want to refer to the pamphlet which our counsel, Mr. Tavenner, mentioned a few moments ago and read one paragraph from it as follows:

The record of the committee's activities in the past few years indicates that its character has changed in no essential way. Throughout its history the committee has never concerned itself with acts of force and violence designed to overthrow the Government of the United States. It has not questioned people about concealing arms or about organizing groups to commit violent acts against minorities. It has never fulfilled its most basic duty, that is, it has never operated predominantly as a bona fide factfinding body to legislative ends.

Now, I want to ask you in this introductory question, would you answer any questions that you have knowledge of concerning any acts or organization planning acts of force and violence designed to overthrow the Government of the United States?

Dr. DAVIS. I would answer any question whatever which I was convinced was a proper one and of which I was convinced I was--

Mr. MOULDER. I wish to say, however, of course it isn't a violation of the law for anyone who sees fit to criticize this committee, to criticize it as much as they want to.

Dr. DAVIS. Thank you.

Mr. MOULDER. And there may be differences in opinions about that. I now ask you then, do you believe in or are you a member of any organization which proposes the overthrow of the Government of the United States by force and violence?

Dr. DAVIS. As I explained before, I believe that violence is not an effective means of achieving political change, and therefore, of course, I do not knowingly belong to any such organization.

Mr. MOULDER. Do you have any knowledge of any organization which proposes to do that?

Dr. DAVIS. I think that this is a question of political evaluation again. It seems to me that that also is a question which I should not answer.

Mr. MOULDER. Mr. Chairman, I regret to say that at this time I have to leave because of important official engagement, appointments which I have in Washington, and I regret very much that it is necessary for me to go, and I wish to compliment you and the work of the committee that is being done here and also the counsel and investigator and say that I am very sorry I can't continue with you.

Mr. CLARDY. The Chair, of course, was advised by you prior to this moment of that fact. I am sorry to see you go, and I hope you can rejoin us before we have completed the week in Michigan.

Proceed.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. TAVENNER. Dr. Davis, did you at any time during 1952 or 1953 solicit membership in the Communist Party of any faculty member or student of the University of Michigan?

Dr. DAVIS. That is an improper question for the same reason.

Mr. TAVENNER. I suggest the witness be directed to answer the question.

Mr. CLARDY. I so direct.

Dr. DAVIS. I refuse to answer on the basis that this question is an improper one because of the first amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. DAVIS. I refuse to answer for the same reason.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. DAVIS. The same answer, the same reason.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Any further questions, Mr. Scherer?

Mr. SCHERER. When you say "Same answer, same reason," you are not invoking the fifth amendment?

Dr. DAVIS. I am not invoking the fifth amendment.

Mr. SCHERER. I have no questions.

Mr. CLARDY. Witness dismissed. Call your next witness, Mr. TAVENNER.

Mr. TAVENNER. Mr. Clement Lawrence Markert. Will you come forward, please, sir.

Mr. CLARDY. Hold up your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. MARKERT. I do.

Mr. CLARDY. You may be seated. I see you are accompanied by counsel whose face is familiar.

Mr. DONSON. John S. Dobson, 901 First National Building, Ann Arbor, Mich.

Mr. CLARDY. You may both be seated.

TESTIMONY OF CLEMENT LAWRENCE MARKERT, ACCOMPANIED BY COUNSEL, JOHN S. DOBSON

Dr. MARKERT. Mr. Chairman, I object to the TV camera because they tend to convey the impression this is a political show instead of a serious congressional investigation.

Mr. CLARDY. The boys operating the TV cameras will be advised to concentrate on us and others who do not object, but keep it off the witness. Are you ready, Mr. TAVENNER?

Mr. TAVENNER. Yes, sir. Will you state your full name, please?

Dr. MARKERT. Clement Lawrence Markert.

Mr. TAVENNER. Spell your last name, please?

Dr. MARKERT. M-a-r-k-e-r-t.

Mr. TAVENNER. Will you state your age, residence, and occupation?