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President's Report to the University Senate  
on the Procedures and Actions Involving  
Three Members of the University Faculty

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(Preliminary Draft)

PRESIDENT'S REPORT TO THE UNIVERSITY SENATE

OCTOBER 5, 1954

I have called this special meeting of the Senate primarily in order that I might report to you on the proceedings and their conclusion involving three members of the University staff who refused to answer under oath questions about their relationship to the Communist Party before a Congressional Committee.

Because of the Senate's concern and responsibility in such matters, I would wish in any event to make this report as a part of normal procedure. Since the cases were resolved in August while most of you were away, I desired to take the earliest opportunity to make this official statement to you. Following this report the meeting will be open with full opportunity for discussion.

The timing, like the origin of the cases themselves, was a matter quite beyond our control. We have pursued the cases diligently, and they have moved as fast as they could consistent with fair procedure and judicial study by the various bodies concerned with them. Had the cases come before us last December or January, as originally indicated, they would have been resolved in the spring. Instead, they were placed before us on May 11, and they were ended in August.

I observe once more that nothing more difficult or distressing can come before a university than conduct of this kind, and that free men, representing a university, having the protection of the institution when their cause is honorable, assume a grave responsibility when they throw upon their colleagues and upon the university the burdens inherent in a refusal to answer questions

pertaining to the safety and welfare of this nation on the grounds that a frank answer might incriminate them. There must be good and convincing reasons to justify such a stand.

We must keep in mind the context of these inquiries and their relationship to the grave crises which we have faced and which still menacingly confront us. We have been through a devastating war; we have strained our economy and expended some \$87 billion in a global struggle for survival against a ruthless communist attack and imperialistic expansion; our young men have been conscripted in time of technical peace; they have been removed from college classrooms to fight aggressive communism; they have been slain on the world's battlefields. Crimes have been committed against our national security which have been linked to the communist conspiracy. We are not, therefore, dealing with a political party in our traditional and accepted sense of American freedom, but with a skilled and crafty and relentless intrigue which, if successful, would deliver us into the hands of those who would destroy our freedoms as they have destroyed them wherever they have been victorious. We wish to brighten the lamps of freedom, not to permit the extension of darkness upon the face of the earth.

It was not any surprise that in these dangerous days the University of Michigan, as a major institution closely linked to the national defense, with millions of dollars of research work going on in advanced and sensitive fields, and with some seven thousand men and women on its various staffs, would naturally be subjected to careful scrutiny by authorized agencies.

The University has its own independent concern for such matters. It would not knowingly employ communists on its staff; neither would it retain them if it had knowledge of such affiliation. When the first announcement was made in the press that the University of Michigan was to be investigated, I sent a telegram to Congressman Velde briefly stating our position.



It read:

"We read in the papers that the University of Michigan is named as one of the schools on your list for investigation. Although we have not received notice of your plans we wish to assure you of our willingness to cooperate with you to the fullest extent. We fully share the interests of our citizens in guarding, preserving, and enhancing our American heritage. The University is dedicated to sound education and to the safety and progress of the nation. It has long been among the leading institutions in its cooperation with the Armed Forces in the field of research and other services considered vital to our national strength. It is maintained by the State in the public interest. These considerations have led us to exercise all vigilance consistent with American practice against the possibility of subversive activities, while preserving the traditional freedom of scholarly investigation upon which our national progress is based. It is our belief that the University is successfully fulfilling its mission and discharging its great obligation to our country."

This was not to invite further investigation, but neither was it to oppose it. It was a policy statement, protective in intent and, I believe, in result. Mr. Velde's reply stated that the University was not to be investigated, but that a few individuals whose activities had been brought to the Congressional Committee's attention would be questioned.

The prospect of such an inquiry led us all to be concerned with the procedures to be followed by the University if and when it should be confronted by the problems inherent in such hearings on the part of members of its staff. We were, and are, aware that a major objective of communism is to divide free

men and, if possible, plunge them into strife among themselves. The Association of American Universities had already come to grips with the question and issued a policy statement subscribed to by all the member institutions - i.e., the 39 leading American and two Canadian Universities. This statement, entitled "The Rights and Responsibilities of Universities and Their Faculties", was distributed to the Senate and was the subject of considerable discussion. Out of these discussions grew the appointment of a special committee in May, 1953, to study the issues raised by the Association of American Universities report and to recommend procedures to be followed in case a member of this faculty should have his right to his University position questioned as a result of governmental investigation.

The Committee held five extended meetings.

"With respect to advising faculty members in the event they are called before legislative committees, the Joint Committee decided on the following brief statement: Faculty men, like other citizens, have a duty to testify fully and freely when subpoenaed by legal authority. There is no general right of silence. Refusal to testify, either on the Constitutional ground of possible self-incrimination or on the ground that the question is irrelevant to the matter under investigation, may lead to a citation for contempt or other serious legal consequence."

As a result of these studies, the Committee recommended and the Senate approved a new section 5.101 to the Bylaws to care for special cases of this nature which were not envisioned when Bylaw 5.10 was adopted. The Regents approved.

After many postponements of the hearings, the House Committee on Un-American Activities called four members of this faculty before them to answer questions concerning their alleged past and present affiliations with the



Communist Party. One of them responded candidly, discharged himself honorably and was not involved in these investigations. The other three refused to answer most of the questions put to them by the Committee: They were H. Chandler Davis, Instructor in Mathematics; Clement L. Markert, Assistant Professor of Zoology; and Mark Nickerson, Associate Professor of Pharmacology.

The hearings were recorded and have been available for study during the rather long interim before a printed copy could be had.

Although some institutions have taken a strong stand that refusal to answer questions before a duly constituted congressional committee is in itself grounds for dismissal, the University of Michigan has not adopted this policy. It has not minimized the gravity of such action on the part of any of its members, but it has determined to examine each individual case on its own merits and to act in accordance with the findings.

Following the distressing performance of our three colleagues at the hearings at Lansing I took the minimum action open to me under the procedures endorsed by the Senate and approved by the Regents: The Resolution read "Though the Joint Committee recognizes that the administrative officials of the University have the power, for good cause, to suspend a faculty member from his classroom duties, it is emphatic in its belief that such suspension should not affect salary."

After the conclusion of the hearings (to which I listened) I called Dean Odegaard and Dean Furstenberg to my office on May 10, 1954, along with Professor Paul Kauper and Mr. Arthur Brandon, Mr. Niehuss being in the Philippines at the time, to discuss the situation with them and to present to them the letters of suspension which I proposed to send to Drs. Davis, Markert, and Nickerson. This was the text of the letter:

"Your refusal to answer the questions directed to you by a duly authorized committee of the Congress of the United States

seeking to establish the facts about Communist activities in this Nation raises serious question as to your relationship to the University of Michigan and to your colleagues, and places upon you the duty to go forward to explain your actions.

"Pending a thorough review of the evidence of this case through the regularly constituted procedures as established by the University Senate (faculty) and the Board of Regents of the University, you are hereby suspended, without loss of pay, from all duties connected with the University, effective immediately."

At this point the operation of the new Bylaw came into effect. The Senate Advisory Committee had appointed a Subcommittee on Intellectual Freedom and Integrity in February, 1954, to be available to serve as the hearing body provided for in 5.101. Having meditated upon its functions, this committee took the position that it was not available to the President for consideration of these cases until after he had made a decision and the affected person asked for a review. This, in the opinion of the Dean of the Law School, was "a possible, though not a necessary nor a helpful interpretation" of the Committee's function. After a conference with this committee, however, with full respect for its views, I accepted its withdrawal from the cases. I then called upon the Senate Advisory Committee to consider whether they would appoint a special committee to advise the president in the further study and actions which would have to be taken. The Senate Advisory Committee elected a special committee of five for this purpose.

I extend to them again my profound appreciation for their unselfish labors at so much sacrifice to themselves in their study of these cases and for their counsel and recommendations.

This Special Advisory Committee to the President listened to the recorded testimony before the House Committee on Un-American Activities. They held



hearings with the Executive Committees of the colleges affected, with department heads, with colleagues, and with the principals who were under suspension.

My statement to the Committee, in the presence of Drs. Davis, Markert, and Nickerson was as follows:

"Three members of our University staff have been alleged to have been active members of the Communist Party and to have engaged in activities that brought them to the attention and under the surveillance of agencies of the United States Government charged with guarding the national security.

"None of them had disclosed any of these associations to the University at the time of their appointment. In compliance with the requirements of the laws of the State of Michigan, each had signed a sworn and notarized statement that he was 'not a member of any political party or organization which advocates the overthrow of our constitutional form of government.'

"When these men were questioned by the House Un-American Activities Committee about their past and present associations and activities in relation to the Communist Party, they refused to answer, thereby inescapably raising the question as to their ability to be candid about these relationships without self-incrimination, and as to their integrity when they signed the above oath of office.

"Their refusal inevitably placed the University under the obligation to examine these cases. The University cannot say that these questions are unimportant, and that it does not matter whether a member of the teaching profession answers them or not. Neither does the University believe that respect for law is in conflict with freedom of the mind. This is not an inquiry into the technical competency



of the men in question. It does not involve any question of the right freely to investigate, to arrive at or to hold unpopular views. It is a question of relation to or involvement in a conspiratorial movement which, if successful, would subvert the freedoms and the liberties which we hold sacred.

"The central principle involved here is clearly stated in 'The Rights and Responsibilities of Universities and Their Faculties,' as formulated by the Association of American Universities, and reiterated in substance by the University of Michigan's Senate Advisory Committee on procedures. The significant quotes from the statement of the Association of American Universities are:

'As in all acts of association, the professor accepts conventions which become morally binding. Above all, he owes his colleagues in the university complete candor and perfect integrity, precluding any kind of clandestine or conspiratorial activities. He owes equal candor to the public. If he is called upon to answer for his convictions it is his duty as a citizen to speak out. It is even more definitely his duty as a professor. Refusal to do so, on whatever legal grounds, cannot fail to reflect upon a profession that claims for itself the fullest freedom to speak and the maximum protection of that freedom available in our society....

'Appointment to a university position and retention after appointment require not only professional competence but involve the affirmative obligation of being diligent and loyal in citizenship. Above all, a scholar must have integrity and independence. This renders impossible adherence to such a regime as that of Russia and its satellites. No person who

accepts or advocates such principles and methods has any place in a university. Since present membership in the Communist Party requires the acceptance of these principles and methods, such membership extinguishes the right to a university position....

'Unless a faculty member violates a law, however, his discipline or discharge is a university responsibility and should not be assumed by political authority. Discipline on the basis of irresponsible accusations or suspicion can never be condoned. It is as damaging to the public welfare as it is to academic integrity. The university is competent to establish a tribunal to determine the facts and fairly judge the nature and degree of any trespass upon academic integrity, as well as to determine the penalty such trespass merits.'

"It is now incumbent upon the University through its regularly established tribunal 'to determine the facts and fairly judge the nature and degree of any trespass upon academic integrity, as well as to determine the penalty such trespass merits.'

"This the University is proceeding to do.

"Answers, freely and candidly given, to the following questions must be sought:

"Were you ever a member of the Communist Party?

"Are you now?

"When did you sever relationship? Why?

"How did you sever this relationship?

"What contacts, if any, have you had with members or their activities since that time?



"Why did you conceal (withhold) this information from the University when you filed your credentials with it?

"Why, particularly, did you not reveal it when you signed the Appointment Affidavit?

"What contact, if any, since the subpoena?

"Assuming he never belonged, or severed connections in years gone by:

"Why did you decline to testify, replying on (1st or 5th)?

"Were you seeking to protect associates? If so, why?

"Why place this consideration above the University?

"Were you concerned about the doctrine of waiver, and the possibility that answers to subsequent questions might tend to incriminating evidence against you?

"Did you decline because of dislike for the tribunals?

"If so, what is the truth about you in relation to these questions?"

The testimony patiently taken is voluminous. It runs to approximately 200,000 words.

It reveals many details of similarity in the three cases which also conform to the pattern set by other such cases in other universities. It also revealed that the cases were not patterned or identical, but that in considerable detail they were individual and had to be studied and weighed as separate cases.

The case of H. Chandler Davis was distinctive. The line of questioning by the House Committee on Un-American Activities indicated a rather close and continuing involvement in the communist apparatus on the part of Dr. Davis. In response to the questions, he took the same attitude before the Special Advisory Committee to the President that he had taken before the Congressional Committee at Lansing. He said, in effect, that these were questions concerning political activities and beliefs, and that he would not answer them.

The Special Advisory Committee to the President unanimously recommended his dismissal.

I sent Dr. Davis the following letter, which he for his own reasons released to the Michigan Daily:

"Dear Dr. Davis:

On May 10, 1954, you were interrogated under oath by representatives of the House Committee on Un-American Activities which alleged, and whose representative has stated to us, that it possessed information concerning your membership in and associations with the activities of the Communist Party. You were asked by this duly constituted legal body questions as to your past and present affiliations with Communism, whether or not you were a member of the Party while at Harvard University, whether or not you were associated with certain active Communists, whether the State Department revoked your passport because you were a Communist, whether you are now a member of the Communist Party, whether you have solicited members for the Communist Party at Ann Arbor and questions of similar import.

You refused to answer these questions in public testimony on the grounds that this Committee had no right to ask them.

You have taken the same attitude and have refused to answer these or related questions or to talk candidly about yourself and your alleged activities in the Communist Party before me, and the Special Senate Committee to advise the President, on your own personal decision that the answers are none of our business.

This conduct is inexcusable in a member of our profession who seeks at the same time the protection of and continued membership in the University whose policies he disdains and whose responsibilities he ignores.

Your conduct to date is clearly inimical to the mission and trust reposed in this University, and indicates your unfitness



to continue in the position you hold.

In view of the evidence available to me, and of the unanimous recommendation of the Special Committee to advise the President, I regret to state that it will be my duty to recommend to the Regents your immediate dismissal from the staff of the University.

Before I present my recommendation to the Regents of the University for final action Bylaw 5.10 (5), I call your attention to your privilege under the Regents' Bylaws to have your case reviewed by the Senate Advisory Committee, and the opportunity which this right affords you to present any mitigating considerations which may, so far, have been withheld. Under the provisions of this Bylaw you have five days from this date within which to file your request for a hearing. The Chairman of this Senate Subcommittee is Professor Angus Campbell."

Mr. Davis then asked the Subcommittee on Intellectual Freedom and Integrity for a review of his case. His performance before this committee was the same as that before the others. He maintained that an inquiry into communist activity was an inquiry into his political beliefs and he would not discuss them with this committee either.

This Committee unanimously recommended his dismissal. The Chairman of the Senate Advisory Committee on University Affairs has already informed you of the reason why you have not received a copy of this report because of the objection of Dr. Davis to its circulation. I regret that it is not available to you. I have no wish to withhold it. I am sure that a careful study of this Davis report as made by the Subcommittee on Intellectual Freedom and Integrity might be of some help to you in understanding and evaluating the report on Dr. Nickerson, which you

do have, even though you do not have the voluminous evidence upon which the two reports were based.

The President concurred in this recommendation, and, after their own full study of the documents, the Regents took action to dismiss Dr. Davis. In this one case, there was no dissent from complete unanimity of decision by all responsible bodies.

The case of Dr. Nickerson took on quite different contours. In many respects it was a most difficult case, and one upon which we have spent many hours of study, council and prayer. Dr. Nickerson had not revealed to the University prior to or after his joining our Faculty of Medicine any of his many considerable activities in the Communist Party extending over a period of years.

The questions asked by the Congressional Committee indicated something of the alleged scope and period of an intimate involvement in the Communist Party. Most of these questions he refused to answer on the grounds of the Fifth Amendment with the advice of counsel, leading to the presumption that he was using the amendment legally and that there were in truth facts in his case which, if disclosed, would tend to connect him with a crime.

On May 24, 1954, and again on June 3, 1954, the Executive Committee of the Medical School met for extensive discussions with Dr. Nickerson about his associations with the Communist Party and his relationship to the Medical School. The Executive Committee of the Medical School, after weighing the case from their own close knowledge and responsibility, unanimously recommended his dismissal, and this recommendation was communicated to me by letter signed by the Dean of the Medical School for the Executive Committee under date of June 11.



On June 14 the Special Advisory Committee to the President held two lengthy hearings with Dr. Nickerson. Following the hearings they studied the testimony and discussed the problems which it raised. The Committee was particularly concerned as to what consideration to give to the unanimous recommendation of the Executive Committee of the Medical School. Since the recommendation of the corresponding committee of the College of Literature, Science, and the Arts in regard to Dr. Markert was to be noticed, at least, it was hard to disregard completely the action of the Medical School. I believe that the prevailing view was, however, to disregard it as far as possible, and this Special Committee incorporated in its report to the President the specific statement that "The Executive Committee of the Medical School did not make any recommendation to the Special Advisory Committee as to whether Dr. Nickerson should be retained or dismissed."

This Special Committee was divided in its view. Three members felt that "Dr. Nickerson's refusal to testify before the House Committee on Un-American Activities is subject to censure and that there exists grounds which warrant a severe reprimand but which stop short of warranting his dismissal." Two members of this committee concluded that Dr. Nickerson "had failed in his moral responsibilities to the University, that he has not shown proper loyalty to the University, that he continues to be a Communist in spirit, and that he has acted so as to bring discredit on the University. We conclude that he lacks the integrity and the fitness to continue as a member of the faculty of the University of Michigan and recommend his immediate dismissal from the University."

You will see here, without my pressing into the manifold details of the evidence, the difficult nature of the problem. The case rests

heavily upon the truth, candor and completeness of Dr. Nickerson's testimony, and upon whether he did in truth and in good faith withdraw from the Communist Party, or whether he has continued in the new order and pattern of activity which the Communist Party adopted and has carried on since 1948.

Whether or not he did satisfactorily demonstrate his withdrawal from the Communist Party and its activities is a matter upon which fair-minded persons may, and clearly do, differ. The Chairman of his Department and the Dean and Executive Committee of his School, persons who may be presumed to know him better than any of the others who have dealt officially with his case, believe him to be unfit for continued membership on the Medical School faculty. The President's Advisory Committee divided on the question, three recommending severe censure and two dismissal.

Under the Bylaws, which we have tried to follow with scrupulous attention to the letter and the spirit, the President is bound to assume his heavy and distasteful responsibility at this point, and reach a decision.

I believe that I can give you some indication of the considerations which led to a judgment without violating any of the confidences or judicial procedures involved.



Dr. Nickerson's claims of withdrawal from the Communist Party are not supported by corroborative evidence of any sort, and might, under other circumstances, be flatly contradicted.

The date which he gave for his final "drifting away" -- 1948 -- coincides with the approximate date when the Communist Party went "underground" and it became the party line for members to conceal their affiliations.

He has not by words or action indicated any disapproval of the Communist Party or of its actions, nor has any action of his been reported which would be inconsistent with continued party membership.

His testimony before the committees reflects approval and admiration for the actions and program of the Communist Party. This approval apparently extends to the character of individual members of the party since he says that a prerequisite for a proposed member of the party was "that his integrity was beyond question." If "integrity" is a necessary qualification for membership in the Communist Party the term must have a meaning in Communist circles unknown to those outside.

Dr. Nickerson did say that he would not rejoin the party if it is as bad "as the newspapers say it is," but he made the reservation that he had no reason to believe that it is in fact a subversive or disloyal organization.

By taking advantage of the Fifth Amendment in the Congressional Committee hearings he necessarily took the legal ground that truthful answers to the committee's questions would expose him to the hazard of a successful criminal prosecution. This stand is inconsistent with his subsequent assertions that he has never done anything illegal.

The "frank and candid" disclosures of his past activities which have appeared to impress the committee members are all concerning matters which he knows to be matters of record in government files. He has not disclosed any phase of his activity which was not already a matter of record.

His vagueness concerning the circumstances of his withdrawal from the party is an example of his unwillingness to disclose matters which he surmises may be unknown to his questioners.

His disclaimers of knowledge of the Communist Party today and of its relation to Russia and his statements that he has made no attempt to determine the facts about the party do not ring true in the light of his long association with the party, his continuing support of its doctrines and the studies he must have made in connection with his appearance before the Congressional Committee.

Nor does his vagueness on these matters seem consistent with his apparent certainty and knowledge of such other matters as the current situation and Communist position in France, Czechoslovakia and other countries.

In short, his testimony may properly be interpreted as that of a man who has decided in advance exactly what he is going to be informed on and what he is not.

Dr. Nickerson's present affirmation of agreement with the Communist Party and its aims is a proper subject of consideration, in the light of his long and active work as a party member and because of its bearing upon the question of whether he has in fact severed his allegiance to the party or merely "gone underground."



Standing alone, the question of political and economic ideologies would not be matters of grave concern to the University. But as evidence bearing upon the determination of the fact of severance or non-severance of Communist affiliation they may be made the proper subject of inquiry without invading the sacred precincts of freedom of thought. It is not thoughts but the definite fact of adherence or non-adherence to the present Communist organization which is the subject of inquiry.

The burden of refuting the inescapable inferences flowing from his admitted former membership and present refuge in the Fifth Amendment must necessarily rest upon Dr. Nickerson.

There is a reasonable presumption that a relationship such as he had with the Communist Party and its activities continues in the absence of a clear showing of its discontinuance.

Pursuant to these, and other considerations, I wrote to Dr. Nickerson under date of July 27 as follows:

"Dear Dr. Nickerson:

"Since the hearings at Lansing before the House Committee on Un-American Activities on May 10, 1954, you have appeared before the Dean and the Executive Committee of the Medical School, and before the Special Advisory Committee to the President. Your answers to their questions leave grave doubts as to your fitness to hold your present position of responsibility and trust, and have raised in my mind and in the minds of the University committees serious concern about your integrity as a member of the teaching profession. While the Special Advisory Committee is closely divided and a majority recommends a strong censure rather than dismissal, the Dean and Medical School Executive Committee unanimously recommend dismissal.



"You have refused to answer pertinent questions put to you by a duly constituted legal body concerning your activities and affiliations with the Communist Party on the grounds that the answers might tend to incriminate you. Although you deny that you would overthrow the government of this country by force, you have vigorously asserted before the committees of your colleagues that you want it clearly understood that you hold the same views and beliefs now which you held while you were an active member and an officer in the Communist Party; and that, although you are not now an active Communist, you drifted away from your activities only because you did not have enough time to devote to them, and not because you were in disagreement with the aims, policies, and methods of the Communists. Under these circumstances it becomes difficult to accept your disavowal of the illegal and destructive aims of the Communist Party.

"These serious disqualifications which bring your case before me under the provision of Bylaw 5.101 become even more weighty when joined with the formal recommendation made to me by the Dean and the Executive Committee of the Medical School (copy attached) that you be dismissed because your continued membership in the Medical faculty would be harmful to the School and may injure the reputation of the University as a whole. This recommendation places your case also under the general provisions of Bylaw 5.10.

"In view of all of the evidence available to me I regret to state that it is my present intention and my duty to recommend to the Board of Regents your immediate dismissal from the staff of the University. Before I present my recommendation to the Regents for final action 5.10 (5) I call your attention to

your privilege under the Bylaw to have your case reviewed by the Senate Advisory Committee, and the opportunity this right affords you to present any mitigating considerations which may, so far, have been withheld.

"Under the provision of this Bylaw, you have five days from this date within which to file your request for such a further hearing. The Chairman of the Senate subcommittee is Professor Angus Campbell."

Dr. Nickerson asked the Subcommittee on Intellectual Freedom and Integrity to review his case as provided by the Bylaw. This Committee worked promptly and diligently. It had available to it the recorded testimony, the transcript of the hearings of the Special Advisory Committee to the President, and it held its own hearings with Dr. Nickerson. The Committee did not at any time confer with the President. Following this procedure, the Committee made its report, a copy of which has been circulated to the Senate, in which it makes its recommendation that, although it found Dr. Nickerson to possess "more than one man's share of human faults and frailties," to be "an arrogant man" and "perhaps also a foolish man," he should be censured but not discharged.

Again it was my disagreeable duty to review the totality of this case and to transmit all data concerning it to the Regents. I read hopefully through the testimony taken by the Subcommittee on Intellectual Freedom and Integrity, seeking to find some new evidence that might controvert that already presented. Not only was it not there to be found, but instead there appeared repeated reinforcements of previous evidence upon which the original recommendation had been framed.



Upon the basis of the evidence before me and of the conflicting and apparently irreconcilable positions taken by the Medical School and by the two advisory committees, the President felt compelled to concur in the recommendation of the Medical School that Dr. Nickerson should be discontinued as a member of that faculty.

In transmitting to the Regents the complete data, as required by the Bylaws, I wrote: "After studying the record of the further hearing by the Subcommittee on Intellectual Freedom and Integrity, I fail to find anything in the testimony to alter the conclusions stated in my letter of July 27, 1954, to Dr. Nickerson and my memorandum to the Subcommittee. I submit the complete record for your study and consideration in preparation for the Regents' decision in this case."

The Regents studied this case earnestly prior to their meeting in August. They discussed it fully at their meeting. They felt the same regret that the President felt in not finding grounds for accepting the advice of the Subcommittee. They did not differ on the question of the general principles of intellectual freedom as stated by the Subcommittee, but on the reading and the interpretation of the evidence and the testimony.

Their action was to sever Dr. Nickerson's connection with the University, with one Regent dissenting.

The case of Dr. Markert was in some fundamental respects different from the two preceding cases. After going over the story and the evidence again and again, I still find myself wondering just why the Congressional Committee called him into public session, and even more, why he refused to respond to their questions in the spirit of a free and honorable man, as he seems to have responded before our University groups.

The questions asked him by the Congressional Committee were clearly based upon the verifiable facts about his past affiliation with the Communist



Party, his youthful adventure in the Spanish Civil War, and his work with the Communist Party, chiefly in California. Although he was not under oath while testifying before the Special Advisory Committee to the President, he swore to the truth of his statements, and all who heard him were impressed by his apparent candor.

It seems clear that he was scarred by adverse experiences in his youth during the deep depression, that he dramatized himself in his role as liberator in Spain, that he knew very little about the Communist Party when he adopted the label to identify a group with which he worked in Colorado, and that he was then and now remains an undisciplined mind outside of his own field who scorns all authority. His involvement in the Communist conspiracy was actually tenuous, and even the investigator who was responsible for issuing the subpoena said that to the best of his knowledge and belief Dr. Markert did withdraw from the Communist Party and had not been in any way identified with it since he broke away from it in the late 1940's.

"On the important question as to why Dr. Markert drifted away from the party," I quote from the Special Advisory Committee to the President, "he mentioned the lack of democracy in the Party, the growing dogmatism and lack of free thinking in the higher leadership, the growing emotional tie to Russia, the tendency to dictate ideas, and the unwillingness to permit any heresy."

"The most serious charge against Dr. Markert," the report continues, "arises out of his failure to testify before the Clardy Committee, thus bringing embarrassment to the University of a quite needless sort in view of the nature of the testimony he could have given."

He was found to be an arrogant and opinionated man, naive outside of his field of speciality, who holds ideas repugnant to the overwhelming majority of his colleagues.

All of us support firmly the conviction that a man has a right to hold unorthodox or unpopular views. This fundamental right has never been at issue in these cases at any point, including the considerations by the Regents of the University.

On recommendation of the Executive Committee of his College, on recommendation of a four-to-one majority of the Special Advisory Committee to the President, on my own judgement, and with the concurrence of the Regents, with one Regent dissenting, I wrote a letter of censure to Dr. Markert and lifted the suspension.

My friends and colleagues, this is, in brief, the story of this unhappy and most burdensome episode which has been unavoidably thrust upon us in the midst of pressing constructive work which demands the attention of all of us. These cases are problems in areas where division of opinion is sharp and often heated and where any decision

would displease many people for whom we have the highest respect. I myself have been ably abused from all sides, well in advance of any judgment I might possibly find it necessary to render.

Like the several faculty committees, I have earnestly tried to do my duty and to discharge my grave responsibilities honestly, fairly and resolutely. The Regents have most scrupulously followed to the letter their commitments under their Bylaws. Under much provocation they have refrained from comment and from judgment until the facts obtained from the full play of the procedures were in and before them. They have recognized that the various groups have given their advice to the best of their knowledge and belief. They have necessarily accepted final responsibility for their decisions which they reached only after judicial consideration of all the evidence and issues involved, and in accordance with what they believe to be fair and just, and in the best interest of the University.

Our procedures, in my opinion, revealed in practice some weakness which I hope will receive the further study of the Senate. And I hope also that this searing experience through which we have now passed may add at least another step to our understanding of the full dimensions and difficulty of the problem which confronts us from the campus at Ann Arbor to the global struggle with which we are wrestling. And I hope also that our understanding may be enlarged to the point where our national policy is so clear and firm that all the facts in these cases can be generally known and dealt with wisely.

Of one thing I am sure. Nobody's freedom has been invaded or abridged at the University of Michigan, and the proper way to keep it sturdy and productive is to exercise it responsibly in keeping with our high and honorable tradition.