

What's Going On Here?

Faculty Receives 'Witness' Data

by Al Karr
Emerald Columnist

A report on the "Rights of a Witness Before a Congressional Investigating Committee" has been placed in the hands of every faculty member. Idea behind the report is to brief faculty members on said legal rights, in case anyone of them might some day find themselves before such a committee.

No such event is expected, though, and there isn't anything in the wind about any kind of investigation at Oregon. It's just a report for the faculty's own information and a briefing for a remote future possibility which will probably never occur — as far as anyone now knows.

The report was prepared by Edward Morton, associate professor of law until his death winter term. It was put together after Joel V. Berreman, profes-

sor of sociology and president of the UO chapter of the AAUP, appointed a committee to investigate the investigation matter.

The AAUP — American Association of University Professors — is a "labor union" of college faculty members. It is concerned with such matters as salaries, academic freedom, and the like. Charles G. Howard, professor of law, is chairman of the committee appointed by Berreman.

The report is concerned with some legal, but pretty basic, reasoning. It states that a congressional investigating committee doesn't have the power to ask questions about one's political beliefs or affiliation. It also says that even though the question may be lawfully put to a witness, he still may have the constitutional privilege to refuse to answer.

Why doesn't such a committee have the right to ask questions about political belief or affiliation? 'Cause Congress can't legislate on political beliefs, the investigations aren't conducted for a legislative purpose and they are an encroachment on the function of the courts. So says the report.

The obvious purpose of the First Amendment, says the report, is to close to Congress any entry into the area of political opinion and peaceful political activity. "If we were to allow the Congress, by questioning witnesses and intimidating them, to affect a citizen's political activity, we would be subverting the basic notion of political freedom and be making the government the master."

As for the purpose of the probes, the report says they are not preparation for law-making — the declared goal of the chairmen "seems to be the exposure of persons thought by the investigators to be tainted with treasonable ideas."

And the report says the "inquisitions" conducted by such committees as those of Senators McCarthy and Jenner and Congressman Velde frequently usurp the judicial function — that of determining the guilt of particular individuals.

Five comments are made regarding the contention that if a question calls for an answer that would tend to implicate the witness in criminal activity, he is privileged to refrain from answering.

1. The witness may withhold such testimony if he has committed an offense under federal law, according to the Fifth Amendment.

2. A witness, even though perfectly innocent of any offense, may claim the privilege if there would be any tendency whatsoever to incriminate himself by such testimony because of circumstances. The report gives the example of a person who buys rags and kerosene the day before a big fire which was probably started by those instruments. He can refuse to testify about his purchase, even though he didn't start the fire.

This is a privilege which shows the fallacy of inferences that "I refuse to testify on the grounds that my answer might tend to incriminate me" means the witness is a "Fifth Amendment Communist."

3. There should be no inference of guilt from claim of the privilege. Counsel to witnesses are advised by the report to try to challenge a committee on grounds of its jurisdiction, to avoid this inference of "Fifth amendment communism."

4. A witness should claim the privilege at the earliest possible moment, because if he starts to answer, "implied waiver" indicates that he must complete the answer without claiming the privilege.

5. Apart from the Fifth Amendment, a witness may refuse to answer a nebulous question such as the one asking whether Owen Lattimore was a "sympathizer with Communists interests." Because of the vagueness of such a question, the report says, even an answer believed by the witness to be complete and truthful might be in effect equivocal, and thus perjurious.

The report is an expression of some valuable legal considerations, in these times of irresponsible investigations. If such time-tested court safeguards of individual rights were honored by the "investigators" themselves, they might come closer to earning the respect now given the courts of the country. But as a practical matter, a congressional investigation debacle is not the most likely scene for dispassionate fairness.

Campus Merry-Go-Round

by Mary Egan

Emerald Living Organizations Editor

At Alpha Tau Omega...

New president of ATO is Jim Jones. Other new officers elected recently include Jerry Beall, vice-president; Don Crawford, secretary; Bill Domenighini, house manager; Bob McCracken, rush chairman, and Phil Lynch, social chairman.

At Beta Theta Pi...

Wielding the gavel over the Betas this next year will be Andy Berwick. He will be assisted by Chandler Sogge, vice-president; Gil Lieberman, secretary; Don Imbrie, recorder; Doyle Higdon, social chairman; Dick Fettig, house manager; Emerson Harvey, scholarship chairman, and Jim Duncan, rush chairman.

At Phi Delta Theta

The Phi Deltas have selected Peter Williams as their new president. House manager for the group is Jim Spieckerman. Other officers elected include Don Gartrell, vice-president; Bob Sogge, warden; Fred Haswell, chaplain; Dick Reneberg, social chairman, and Larry Hibbard, secretary.

At Delta Gamma...

Lois Powell is the newly-elected president of the DG's. Vice-president is Mary Wilson; chapter secretary, Mary Constance; corresponding secretary, Jean Sayre; house manager, Nancy Budlong, and treasurer, Janet Sayre.

Two of the DG's are now wearing Phi Delt pins. Jean Sayre has Dud Carlson's pin, and Dick Lewis has pinned freshman Denise Kenyon.

At Delta Delta Delta...

Recent engagements announced at Tri Delta include Loretta Dyer to Jack Rawls, Delta Upsilon; Hope Holgerson to Joe Anstett, Sigma Alpha Epsilon, and Jean Peterson to Dick Peters, Sigma Alpha Epsilon. Marilyn Parrish was married to Dan Dill-

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Campus Calendar

Noon Italian Table	111 SU
ACS Conf Lnh	214 SU
WUS Fnd Sol	319 SU
Frosh Men Chap	Straub
2:00 ACS Conf	Dadarm
4:00 Fri at 4	Fishbowl
9:00 Fishbowl Mixer	SU

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