

SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

HEARINGS

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS**

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-FOURTH CONGRESS

SECOND SESSION

ON

**SCOPE OF SOVIET ACTIVITY IN THE
UNITED STATES**

DECEMBER 5 AND 6, 1956

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TESTIMONY OF FRANK MARSHALL DAVIS

Mr. MORRIS. Give your name and address to the reporter, Mr. Davis.

Mr. DAVIS. Frank Marshall Davis, 47-388 Kam Highway.

Mr. MORRIS. Mr. Davis, when did you come to Honolulu?

Mr. DAVIS. In 1948.

Mr. MORRIS. 1948. Where were you born?

Mr. DAVIS. Arkansas City, Kans.

Mr. MORRIS. What has been your education?

Mr. DAVIS. Let's see. Through high school and a year at Friends University.

Mr. MORRIS. Where is Friends University?

Mr. DAVIS. And at Kansas State College. That is at Manhattan, Kans.

Mr. MORRIS. You are a columnist, are you not, for the Honolulu Record?

(The witness consults with his attorney.)

Senator WATKINS. Just a minute, Counsel. Did he ask you anything before you started to talk?

Mrs. BOUSLOG. Yes; he did, Senator.

Senator WATKINS. I couldn't see his lips move.

Mrs. BOUSLOG. He had his back to me.

Senator WATKINS. I could see that side of his face.

Mrs. BOUSLOG. I tell you, Senator, he did ask me.

Senator WATKINS. I have noticed the tendency, however, for counsel, not only in this hearing here but in the hearings on other days, before the witness could even open his mouth, to start to advise him. That amounts to what we call coaching the witness, and it is not permitted in this committee.

You see, the witnesses are not parties. They come in as any ordinary citizen would come in to testify in a matter in which the Senate is interested, as an ordinary witness would come in to testify in court. Such witnesses are not entitled to have counsel or register objections, and all of that sort of thing. They may come before the court to testify, as you know, with nobody there except the judge to advise them as to their rights as witnesses. Now, to have an attorney present to advise a witness, in this hearing, is a privilege that is granted. It is not a right.

Mrs. BOUSLOG. I regard the fact that my client has the constitutional right to counsel—

Senator WATKINS. Oh, certainly, but not to be coached as to the testimony he shall give in the proceedings.

Mrs. BOUSLOG. He turned to me and asked me for my advice, and I gave it to him.

Senator WATKINS. I have been watching this very closely, ever since these hearings out here began, and obviously the witnesses have asked for advice in many instances, but obviously the witnesses never have had time to make their requests for legal advice before counsel has begun to give advice. I just warn you. That is all.

Mr. MORRIS. We have information, Mr. Davis—did you answer the last question or did you invoke the privilege of the—

Mr. DAVIS. No; I decline to answer that, on the basis of the fifth amendment.

Mr. MORRIS. We have information of the faculty of the Abraham information accurate, Mr. Davis

Mr. DAVIS. I decline to answer. Mr. MORRIS. Mr. Chairman, of the Communist schools.

Are you a Communist now, Mr. Mr. DAVIS. Same answer.

Mr. MORRIS. I have no further ask that you order the witness to

Senator WATKINS. Stand by. open hearing room.

[End of Davis testimony take

Mr. MORRIS. That concludes the thing, Senator, I would like to

abundantly clear from our record appeared here today were not anybody.

At the very outset these were we told them, these particular were the first witnesses, and they acknowledged that on the public at this point to show that fact.

Senator JOHNSTON. Thank you Mr. MORRIS. No, Senator.

Senator JOHNSTON. There are excused at this particular time.

Mrs. BOUSLOG. Thank you, Senator JOHNSTON. The commencing.

(Whereupon, at 12:30 p. m.,)

IN THE UNITED STATES

MARSHALL DAVIS

Address to the reporter, Mr. Davis.
47-388 Kam Highway.
Do you come to Honolulu?

Were you born?

Education?
High school and a year at Friends

University?
College. That is at Manhattan,

Do you have any relatives in Honolulu?

(Counsel.)
Counsel. Did he ask you any-

or.
His lips move.

me.
Side of his face.

He did ask me.
The tendency, however, for coun-
sel to come in on other days,
his mouth, to start to advise him.
During the witness, and it is not per-

ties. They come in as any ordi-
nary matter in which the Senate
would come in to testify in court.
They may come before the court to
register objections, or they may
come before the judge to advise
there except the judge to advise
Now, to have an attorney present
is a privilege that is granted. It

is that my client has the constitutional

right, but not to be coached as to the
answers.

and asked me for my advice, and

watching this very closely, ever since
obviously the witnesses have asked
obviously the witnesses never have
for legal advice before counsel has
come. That is all.

Now, Mr. Davis—did you answer the
privilege of the—
answer that, on the basis of the fifth

Mr. MORRIS. We have information and evidence you were a member
of the faculty of the Abraham Lincoln School in Chicago. Is that
information accurate, Mr. Davis?

Mr. DAVIS. I decline to answer that, also on the same grounds.

Mr. MORRIS. Mr. Chairman, the Abraham Lincoln School was one
of the Communist schools.

Are you a Communist now, Mr. Davis?

Mr. DAVIS. Same answer.

Mr. MORRIS. I have no further questions at this time, Senator. I
ask that you order the witness to stand by.

Senator WATKINS. Stand by. That means you will report to the
open hearing room.

[End of Davis testimony taken in executive session.]

Mr. MORRIS. That concludes the testimony of Mr. Davis. One other
thing, Senator, I would like to point out, because I think it should be
abundantly clear from our record, that the last two witnesses who
appeared here today were not subpoenaed because they represented
anybody.

At the very outset these were the first people we subpoenaed, and
we told them, these particular witnesses, that they were scheduled to
be the first witnesses, and they asked that they testify last. They
acknowledged that on the public record, and I would like for the record
at this point to show that fact.

Senator JOHNSTON. Thank you. Any other questions?

Mr. MORRIS. No, Senator.

Senator JOHNSTON. There are no questions. The witness will be
excused at this particular time.

Mrs. BOUSLOG. Thank you, Senator.

Senator JOHNSTON. The committee will adjourn until 9:30 tomorrow
morning.

(Whereupon, at 12:30 p. m., the subcommittee adjourned.)

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