

M-1

STAT ¹

CONTEMPT

Ch. 1

LEGISLATURE

46 § 61a

§ 61. Witnesses; power to issue subpoenas, compel attendance, and commit to prison; payment of expense of imprisonment

Each branch of the legislature shall have the power to issue their subpoena, as heretofore practiced, into any part of the commonwealth, and by attachment to compel the attendance of all persons summoned as witnesses, and in case any witness brought to the bar of either house shall refuse to be sworn or affirmed, or having been sworn or affirmed, shall refuse to render an answer to all legal questions duly propounded, the speaker of the house before which such refusal shall be made, shall have full power by the direction of the said house to issue to the sergeant-at-arms a warrant of commitment to the prison of Dauphin county, the inspectors and keepers thereof are hereby authorized and required to receive and confine such delinquent so committed until discharged in due course; and the expense of such imprisonment shall be paid out of any money in the state treasury not otherwise appropriated.

1842, June 13, P.L. 491, § 1.

Cross References

Constitutional provision as to powers of each House, see Const. art. 2, § 11.

Notes of Decisions

1. Subpoena duces tecum by this section includes right to issue subpoena duces tecum. Shelby v. Second National Bank, 19 D. & C. 202, 1933.

§ 61a. Persistence in refusal to swear or affirm

If any such person so committed to prison, shall persist in his refusal to swear or affirm, or being sworn or affirmed shall still, on being brought before such house from the prison, refuse to testify, such house may make a further order for the detention of such delinquent in said prison until the next succeeding legislature shall have met, and until the proper house succeeding the one which ordered the commitment originally, shall make an order for his further detention, or discharge as to them shall seem expedient.

1842, June 13, P.L. 491, § 2.

WATKINS v UNITED STATES

1281

354 US 178, 1 L ed 2d 1273, 77 S Ct 1173

Points from Separate Opinions—Continued

Witnesses § 71 — compelling testimony — congressional investigations — disgrace of witness.

49. The federal statute (2 USC § 193) which provides that no witness before a congressional committee may refuse to testify upon the ground that his testimony may tend to disgrace him or otherwise render him infamous, evidences congressional recognition that, although remote and indirect disadvantages such as public stigma, scorn, and obloquy may be related to

the First Amendment, they are not enough to block congressional investigation. [From separate opinion by Clark, J.]

[See annotation references 1, 4, 9]

Evidence § 253 — presumption — congressional investigations.

50. It should be presumed that the Congress in conducting investigations takes every precaution possible to avoid unnecessary damage to reputations. [From separate opinion by Clark, J.]

APPEARANCES OF COUNSEL

Joseph L. Rauh, Jr., of Washington, D. C., argued the cause for petitioner.

Solicitor General Rankin, of Washington, D. C., argued the cause for respondent.

Briefs of Counsel, p. 2159, *infra*.

OPINION OF THE COURT

Mr. Chief Justice Warren delivered the opinion of the Court.

This is a review by certiorari of a conviction under 2 USC § 192 for "contempt of Congress." The misdemeanor is alleged to have been

*[354 US 182]

committed during a *hearing before a congressional investigating committee. It is not the case of a truculent or contumacious witness who refuses to answer all questions or who, by boisterous or discourteous conduct, disturbs the decorum of the committee room. Petitioner was prosecuted for refusing to make certain disclosures which he asserted to be beyond the authority of the committee to demand. The controversy thus rests upon fundamental principles of the power of the Congress and the limitations upon that power. We approach the questions presented with conscious awareness of the far-reaching ramifications that can follow from a decision of this nature.

On April 29, 1954, petitioner appeared as a witness in compliance with a subpoena issued by a Sub-

committee of the Committee on Un-American Activities of the House of Representatives. The Subcommittee elicited from petitioner a description of his background in labor union activities. He had been an employee of the International Harvester Company between 1935 and 1953. During the last eleven of those years, he had been on leave of absence to serve as an official of the Farm Equipment Workers International Union, later merged into the United Electrical, Radio and Machine Workers. He rose to the position of President of District No. 2 of the Farm Equipment Workers, a district defined geographically to include generally Canton and Rock Falls, Illinois, and Dubuque, Iowa. In 1953, petitioner joined the United Automobile Workers International Union as a labor organizer.

Petitioner's name had been mentioned by two witnesses who testified before the Committee at prior hearings. In September 1952, one Donald O. Spencer admitted having been a Communist from 1943 to