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Television and Congressional Investigations

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TELEVISION AND CONGRESSIONAL INVESTIGATIONS

Investigation, one of the most important functions of Congress,[1] was recently centered in the limelight of national attention when some of the more sensational hearings of the Kefauver committee were presented to a vast television audience.[2] The refusal of some witnesses to testify because of television[3] has fostered much comment on the legality of compelling testimony while the hearings are being televised.[4]

The power of Congress to conduct investigatory hearings and obtain information from witnesses may not be questioned. This power originated centuries ago in the English Parliament when that body performed certain functions of a judicial nature, and it was exercised by the colonial legislatures prior to the formation of the union.[5] The Constitution of the United States authorized a Congress but made no mention of a power to investigate. However, because existing legislatures had exercised this power for many years previous to the promulgation of the Constitution, and because the power is necessary to insure the proper exercise of granted power, Congress is held to possess the power to investigate as inherent in a legislative body.[6] The inherent power of a legislature to punish contempt of its sovereignty may be used to compel disclosures sought by legislative inquiries.[7]

[1] "In my opinion, the power of investigation is one of the most important powers of the Congress. The manner in which that power is exercised will largely determine the position and prestige of the Congress in the future. An informed Congress is a wise Congress; an uninformed Congress surely will forfeit a large portion of the respect and confidence of the people.

"The days when Webster, Clay and Calhoun personally could familiarize themselves with all the major matters with respect to which they were called upon to legislate are gone forever. No Senator or Representative, no matter how able or diligent, can himself hope to master all the facts necessary to legislate wisely." Excerpt from the statement of President Truman on the floor of the United States Senate when he, as Senator, announced his resignation from the Special Committee Investigating the National Defense Program. 90 Cong. Rec. 6747 (Aug. 7, 1944).

[2] Investigations, Crime Hunt in Foley Square, 57 Time, No. 13, at 22 (March 26, 1951).

[3] N.Y. Times, § 1, p. 1, col. 8 (March 27, 1951). See discussion note 50 infra.

[4] Arnold, Mob Justice and Television, 187 Atlantic Monthly, No. 6, at 68 (June, 1951); Kefauver's Court: Trial by Camera, 173 Catholic World, No. 5, at 81 (May, 1951); The Kefauver T-V Show, 53 The Commonweal 606 (1951); 27 New Yorker, No. 7, at 20 (March 31, 1951); 30 U.S. News and World Report, No. 14, at 16 (April 6, 1951).

[5] Kilbourn v. Thompson, 103 U.S. 168, 183 (1880); McGrain v. Daugherty, 273 U.S. 135, 161 (1927); Dimock, Congressional Investigating Committees, 46–56 (1929); Potts, Power of Legislative Bodies to Punish for Contempt, 74 U. of Pa. L. Rev. 691 (1926); Landis, Constitutional Limitations on the Congressional Power of Investigation, 40 Harv. L. Rev. 153 (1926).

[6] Kilbourn v. Thompson, 103 U.S. 168 (1880); McGrain v. Daugherty, 273 U.S. 135 (1927).

[7] McGrain v. Daugherty, 273 U.S. 135 (1927).

The first instance of the use of this power by Congress was in 1792, when the causes for the failure of a military expedition were investigated.[8] Congress continued to exercise its investigatory powers and to punish recalcitrant witnesses by contempt, but the courts were hesitant to extend this power and its area of operation was sharply limited.[9] In 1927, with the case of *McGrain v. Daugherty*,[10] which arose from the Tea Pot Dome investigations, the Supreme Court reversed the prevailing trend in holding that Congress could lawfully inquire into any matter which was pertinent to a lawful function of Congress. Subsequent cases have tended to enlarge the legitimate area of inquiry and to give Congress a greater degree of control over its investigations.[11] A recent decision holds that the relevancy and materiality of the inquiry will be presumed and that the remotest degree of pertinency is sufficient to compel an answer.[12]

The privilege against self-incrimination[13] and the protection against unlawful searches and seizures[14] have been held to constitute lawful reasons for refusing to answer the inquiry of a congressional investigation[15] but other attempted defenses have not been successful.[16]

The reasons generally advanced to validate the presentation of congressional hearings on television are that this medium of communication is merely an extension of the long accepted public hearings and that the tele-

[8] 3 Annals Cong. 493 (1792).

[9] "The net result of the decision [Kilbourn v. Thompson, 103 U.S. 168 (1880)], therefore, was that for almost half a century serious doubt was cast on the very existence of a congressional power to compel testimony for the principal purpose of obtaining information to assist Congress in drafting legislation." McGeary, Congressional Investigations: Historical Development, 18 Univ. Chi. L. Rev. 429 (1951); Morgan, Congressional Investigations and Judicial Review—Kilbourn v. Thompson Revisited, 37 Calif. L. Rev. 556 (1949).

[10] 273 U.S. 135 (1927).

[11] Reed v. County Commissioners of Delaware County, Pennsylvania, 277 U.S. 376 (1928); Sinclair v. United States, 279 U.S. 263 (1929); Barry v. United States, 279 U.S. 597 (1929); Jurney v. MacCracken, 294 U.S. 125 (1935); United States v. Norris, 300 U.S. 564 (1937); United States v. Bryan, 339 U.S. 323 (1950).

[12] United States v. Bryan, 72 F. Supp. 58 (D.C., 1947), aff'd sub nomine Barsky v. United States 167 F. 2d 141 (App. D.C., 1948), cert. denied 334 U.S. 843 (1948).

[13] U.S. Const. Amend. 4.

[14] U.S. Const. Amend. 5.

[15] Interstate Commerce Commission v. Brimson, 154 U.S. 447, 478 (1894); Sinclair v. United States, 279 U.S. 263, 292 (1929).

[16] Lawson v. United States, 176 F. 2d 49 (App. D.C., 1949), cert. denied 339 U.S. 934 (1950), reh. denied 339 U.S. 972 (1950) (freedom of speech); Eisler v. United States, 170 F. 2d 273 (App. D.C., 1948), cert. granted 335 U.S. 857 (1948), removed from docket 338 U.S. 189 (1949), cert. dismissed 338 U.S. 883 (1949) (alien status); United States v. Josephson, 165 F. 2d 82 (App. D.C., 1947), cert. denied 333 U.S. 838 (1948), rehearing denied 333 U.S. 858 (1949) (failure of Senate to provide standards by which to determine the pertinency of questions, lack of prior opportunity to determine the legality of the committee in a judicial proceeding).

vised hearings perform an important public service in informing the public of the need for better laws or better law enforcement.[17]

Those who advance the argument that the televised hearings are merely an extension of public hearings apparently overlook the purposes served in requiring that hearings be public. The primary purpose of public hearings is to protect the witness from a star chamber proceeding.[18] While it is important that a legislative hearing not be a star chamber, it is equally important that it not be a circus.[19] Therefore although television may be only another form of publicity, differing merely in degree from the traditional modes of publicity, it in no manner furthers the reasons which many years ago caused the death of star chamber proceedings. Even if it be assumed that public congressional hearings are lawful and that no difference in principle exists between the normal public hearing and those which are televised, the validity of the latter is not thereby established because differences of degree are often decisive in the law.[20] The substantial[21] and unnecessary aggravation of the embarrassment suffered by a witness whose testimony is televised could readily be held to be that degree of publicity to which the reasonable man will not be forced to submit.[22]

A second argument advanced to support televised hearings is to inform the public of the need for new legislation or for the improved enforcement of existing law. No court has indicated that congressional investigations may be conducted merely for the purpose of instructing and educating the public.[23] The fundamental purpose of legislative investigations

[17] Final report of the Special Committee to Investigate Organized Crime in Interstate Commerce, Sen. Rep. 725, 82d Cong. 1st Sess. 99–100 (August 31, 1951).

[18] A secondary purpose is to protect the public from any unlawful arrangements which would result in the unjust exoneration of an accused person.

[19] Arnold, Mob Justice and Television, 187 Atlantic Monthly, No. 6, at 68 (June, 1951).

[20] Holmes, J., in Le Roy Fiber Co. v. Chicago Milwaukee & St. Paul Ry. Co., 232 U.S. 340, 354 (1914); Frankfurter, J., concurring, in Francis v. Resweber, 329 U.S. 459, 471 (1947).

[21] See statement of Senator Welker during debate on the floor of the Senate on the question whether two witnesses who refused to testify because of television should be certified to the United States Attorney as being in contempt of the United States Senate. 97 Cong. Rec. 9997 (August 10, 1951).

[22] The Fifth Amendment's provision that one shall not be deprived of liberty without due process of law may be violated.

[23] Potts, Power of Legislative Bodies to Punish for Contempt, 74 U. of Pa. L. Rev. 780, 811 (1929). A recent commentator does not list it as a proper purpose but terms it "an arm collateral" to other purposes. McGeary, Congressional Investigations: Historical Development, 18 Univ. Chi. L. Rev. 425 (1951). Compare the dictum in Electric Bond & Share Co. v. Securities and Exchange Commission, 303 U.S. 419, 437 (1938), where the plaintiff was required by regulation of the SEC to make known some information to which the public would have access; and the statement of President Wilson "The informing function of Congress should be preferred even to its legislative function." Wilson, Congressional Government 303 (1885).

is properly to inform the legislature in order to enable it to enact wise future laws and to determine in what manner laws previously passed are functioning.[24] This purpose is best fulfilled by objective and impartial information, but televised hearings are not in the least degree conducive to securing this type of information.[25] The very presence of the vast unseen audience naturally lessens the possible objectivity, because both the committee members and the witnesses are unconsciously affected even though the hearings be conducted with the utmost restraint and decorum.[26]

Even assuming that it is lawful for Congress to conduct hearings to inform the public, it is very doubtful whether the benefits foreseen by many actually do accrue. It was said by many commentators that the avid interest of the public in the recent investigation into interstate crime foreshadowed a great public clamor for rigid enforcement of existing laws and for the enactment of new laws where those in force were shown to be inadequate. However the public seems to have turned off the television set and fallen asleep in its easy chair after enjoying the hearings for what they were—a good television show.[27] The argument that televised hearings should be permitted in order to inform and educate the public becomes untenable when it is demonstrated that television actually subverts the accomplishment of the fundamental purpose for which legislative investigations were instituted, and that it is questionable whether the benefits predicted to result from television actually do accrue.

Three major reasons may be advanced to support the proposition that congressional investigations should not be televised: (1) televised hearings violate our traditional concepts concerning proceedings of a criminal nature; (2) televised hearings in practice destroy the usefulness of the constitutional privilege against self-incrimination; and (3) televised hearings violate the witness's right to privacy.

One concept of our traditional criminal procedure is that every man who is publicly charged with serious crime before an authoritative tribunal shall have first had a secret grand jury determination of his probable guilt in order to protect him from rash and detracting accusations which have no foundation in fact and which may be based on malice or mistake. Con-

[24] McGeary, Congressional Investigations: Historical Development, 18 Univ. Chi. L. Rev. 425 (1951).

[25] "They [televised hearings] have served no conceivable legislative purpose or objective whatsoever." Statement by Senator Cain during Senate debate on the subject. 97 Cong. Rec. 9983 (August 10, 1951).

[26] "They became the victims of a wave of emotion which they created, but over which they had no control." Senator Cain during Senate debate on the subject. 97 Cong. Rec. 9978 (Aug. 10, 1951). "The requirements of the television stage . . . make an objective investigation almost impossible." Arnold, Mob Justice and Television, 187 Atlantic Monthly, No. 6, at 68 (June, 1951).

[27] The Kefauver T-V Show, 53 The Commonweal 606 (March 30, 1951); Kefauver's Court: Trial by Camera, 173 The Catholic World, No. 5, at 81 (May, 1951).

trast such a concept with the manner in which a televised legislative hearing[28] may be conducted.[29] Some may protest that a legislative hearing is not a criminal proceeding because no verdict is rendered and no punishment is inflicted on the witness. It is true, of course, that these hearings in fact do not amount to a criminal trial, but it is also true that the general impression which is conveyed in many instances is that a criminal proceeding is being conducted.[30] The committee acts as prosecutor and judge and the vast television audience acts as jury and renders a verdict. This verdict many times inflicts a punishment—loss of the witness's reputation or of his employment—which may be of more serious consequence to the individual than the punishment of a court of law.[31]

It has previously been stated that the privilege against self-incrimination is one of the few rights to whose protection the courts have found the witness in a congressional investigation to be entitled.[32] Although the Courts

[28] The damaging effect of televised hearings are accentuated in many instances because the witness lacks all but a few of the defensive weapons available to one who is formally accused in a court of law. No court has found him to be entitled to the presence of counsel, to the presumption of innocence, to the right of cross examination, to submit his own prepared statement, to call even willing witnesses in his own behalf, to require that an accurate record of his testimony be made, or to have only admissible evidence used against him. Galloway, Congressional Investigations: Proposed Reforms, 18 Univ. Chi. L. Rev. 478 (1951). If the witness before a televised hearing were afforded these protections he would be more able to combat the charges made against him and the audience-jury would be more able to correctly evaluate the facts and secure truly objective information. When the witness is no longer required to repel gunfire with spears, a more compelling argument for televised hearings will be possible.

[29] It is not to be suggested that all congressional hearings are conducted with no attempt to protect the rights of the witness. An outstanding current example is the Internal Security Subcommittee of the Senate Judiciary Committee which is conducting an inquiry into a subject of a sensational nature—the extent of subversive influences on various aspects of Governmental policy. "The Subcommittee forbids the use of television, or direct radio reporting. It permits news pictures only at the beginning and end of a session. Pictures may not be made of witnesses in the hearing room against their will." 31 U.S. News and World Report, No. 9, at 34 (August 31, 1951). The Subcommittee counsel, who is treated in the same manner as a strange lawyer, is instructed to keep his questions pertinent. The aim is to paint the picture of subversive dangers through sworn testimony and not by artificial emphasis. This admirable restraint is, as a general rule, sadly lacking. It seems that legislators who parade as "liberals" are no more aware of the rights of witnesses than those who have been branded "reactionaries."

[30] "The President is most seriously concerned. The trouble with television hearings, he said, is that a man is held before cameras and 40,000,000 people more or less hear him charged with so and so, and the public, untrained generally with evaluating the presentation of evidence, is inclined to think him guilty just because he is charged.

"It is the very negation of judicial process, with the committee acting as prosecutor and defense and the public acting as the jury." Excerpt from a White House press release as quoted in the Chicago Daily News, p. 27, col. 5 (June 22, 1951).

[31] Galloway, Congressional Investigations: Proposed Reforms, 18 Univ. Chi. L. Rev. 478, 480 (1951).

[32] See text 113.

have vigorously defended this privilege,[38] its practical value may be destroyed if hearings are televised because the man who would dare invoke the privilege would immediately forfeit his good reputation in the eyes of the vast audience viewing the hearing.[34] The protection of this constitutional privilege should not be so easily lost. This contention is many times too easily dismissed by assuming that the witness is guilty because he otherwise would not invoke the privilege against self-incrimination. However, the Constitution does not distinguish between guilty and innocent, and the admittedly guilty man remains entitled to his constitutional protections. Therefore, the witness should be able to invoke the privilege without fear of reprisal.[35]

Some have suggested that televised hearings violate a witness's right of privacy.[36] The development of the right of privacy as a basis for tort liability has been of relatively recent origin[37] but the concept underlying this right is evident in the provisions of our Bill of Rights.[38] It has been characterized as the right to be left alone[39] and has been recognized as a constitutionally protected right.[40] The Supreme Court of the United States has

[33] The constitutional guarantee against testimonial compulsion "must be accorded liberal construction in favor of the right it was intended to secure." Hoffman v. United States, 341 U.S. 479 (1951). Six of eight who have recently defended congressional contempt citations on this basis have been exonerated. 57 Time, No. 14, at 18 (April 2, 1951). For example see: United States v. Yukio Abe, 95 F. Supp. 991 (Hawaii, 1950); United States v. Emspak, 95 F. Supp. 1012 (D.C., 1951); United States v. Fitzpatrick, 96 F. Supp. 491 (D.C., 1951); United States v. Raley, 96 F. Supp. 495 (D.C., 1951).

[34] Arnold, Mob Justice and Television, 186 Atlantic Monthly, No. 6, at 68 (June, 1951).

[35] "Embodied in the statutes or judicial decisions of all but six jurisdictions of the United States is the rule that the defendant's failure to take the stand may neither give rise to an inference against him nor be the subject of comment by court or counsel." Comment on Defendant's Failure to Take The Stand, 57 Yale L.J. 145 (1947) and sources cited therein.

[36] Senator Cain in a speech on the floor of the United States Senate during debate on the problem of television. 97 Cong. Rec. 9978 (Aug. 10, 1951) and various other commentators.

[37] As a distinct right, privacy found its inception in Warren and Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890).

[38] Note its presence in the freedoms guaranteed in the First Amendment, the right to bear arms in the Second, the provision against peacetime quartering of soldiers in private homes in the Third, the privilege against unreasonable searches and seizures in the Fourth, the privilege against self incrimination and the requirement of due process of law in the Fifth and the right to a speedy trial in the Sixth Amendment.

[39] Barber v. Time, Inc. 348 Mo. 1199, 159 S.W. 2d 291 (1942); Holloman v. Life Ins. Co. of Virginia, 192 S.C. 454, 7 S.E. 2d 169 (1940); Banks v. King Features Syndicate, 30 F. Supp. 352 (D.C., 1939); Brents v. Morgan, 221 Ky. 765, 299 S.W. 967 (1927).

[40] McGovern v. Van Riper, 137 N.J. Eq. 24, 45 A. 2d 514 (Ch., 1945), affirmed in 137 N.J. Eq. 548, 45 A. 2d 842 (Ch., 1946); cf. Norman v. Las Vegas, 64 Nev. 38, 177 P. 2d 442 (1947). See Pavesich v. New England Mutual Life Ins. Co., 122 Ga. 190, 50 S.E. 68 (1905); Melvin v. Reid, 112 Cal. App. 285, 297 Pac. 91 (1931); Barber v. Time, Inc.,

said that "the rights of privacy and personal security . . . are to be regarded as of the very essence of constitutional liberty; and that the guaranty of them is as important and as imperative as are the guarantees of the other fundamental rights of the individual citizen."[41]

The right of privacy does not allow a witness in a court of law to refuse to answer a pertinent question merely because the question is of a private nature. Although no case directly determines whether the same rule applies to questions asked at congressional inquiries, both logic and the tenor of the cases indicate that the rule would be thus extended.[42] Conceding that, because of the paramount public interest, congressional investigations may lawfully invade the individual's right of privacy to the extent necessary to enable Congress to secure the objective information necessary for legislating wisely and intelligently, no sufficient justification appears for further extending the privacy invasion by televising congressional hearings. The questionable benefits[43] said to accrue from the televised hearings do not appear to be sufficient to permit the manifest injury inflicted on the privacy of a witness who is compelled to testify on television. The witness who may be forced to answer the most personal questions about his private affairs if they are pertinent to the inquiry should not be forced to "confess all" merely for the entertainment of the television audience or in order to bestow financial benefits upon the program sponsor and the television station.

Courts generally do not permit direct publication of their proceedings[44] although one case held that it is not unlawful per se for a trial judge to permit the proceedings of his court to be broadcast by radio.[45] However, the issue was not determined in the case in which the broadcast was made

348 Mo. 1199, 159 S.W. 2d 291 (1942); Voelker v. Tyndall, 226 Ind. 43, 75 N.E. 2d 548 (1947). Justice Brandeis, dissenting in Olmstead v. United States, 277 U.S. 438, 478 (1928), termed the right of privacy "the most comprehensive of rights and the right most valued by civilized men."

[41] Harris v. United States, 331 U.S. 145 (1947), rehearing denied 331 U.S. 867 (1947).

[42] Wyzanski, Standards for Congressional Investigation, N.Y. Bar Rec. 99–100 (1948).

[43] See text 115.

[44] "Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom, during sessions of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted." Canons of Judicial Ethics, American Bar Association, Canon 35 (1948).

"The taking of photographs in the court room during the progress of judicial proceedings or radio broadcasting of judicial proceedings from the courtroom shall not be permitted by the court." Fed. Rules Crim. Proc. 53.

Consult Report of the Special Committee on Cooperation Between Press, Radio, and Bar Association, 62 Annual Report of the American Association 851, 862–864 (1937).

[45] Irwin v. Ashurst, 158 Ore. 61, 74 P. 2d 1127 (1938).

but was raised later when the trial judge was sued in tort for an invasion of privacy or libel resulting from the broadcast. The absolute privilege afforded the official actions of a judicial officer seems to be the reason underlying the decision. More in keeping with the traditional view is the case citing the interest of witnesses and accused persons in minimizing the publicity to which they are subjected as a reason to support the power of a trial judge to forbid the taking of pictures in the courtroom and its immediate environs.[46] One of the reasons underlying the reluctance of courts to permit widely publicized hearings seems to be the protection of the privacy of the participants. If such a protection is afforded in a court of law where all the traditional protections of the common law surround the witness, it should be available at a congressional hearing where the witness retains few of these protections.[47]

Although the witnesses before the Kefauver Committee which investigated interstate crime were predominately persons, who because they were public personages or because of their connection with crime, had to some degree waived their right to privacy, the usual legislative investigation generally involves neither the famous nor the notorious. The majority of witnesses are average people who retain their right to privacy in its complete form. Whether the right to privacy is violated is dependent upon the facts in the individual case,[48] and while it may not have violated Ambassador O'Dwyer's privacy to force him to testify on television, there are others whose privacy television would invade. The reformed gangster in genuine fear of death from former associates or enemies, the legitimate tavern keeper testifying before a committee convinced that prohibition should be reinstated, the expert with deformed features and the cloistered nun who has a peculiar knowledge of a certain event all appear to have a legitimate complaint against televised hearings although they may be willing to impart what knowledge they possess at a normal hearing. The obvious danger is that all witnesses will be treated in the same manner and that all will indiscriminately be forced to testify on television.

When the Supreme Court considers this problem it is not unlikely that Congress will be held to have no power to compel testimony at a televised congressional hearing. The court may decide that all witnesses may be compelled to testify at televised hearings, or that some witnesses in certain instances may be forced to submit to television or a definite decision may not be rendered in the near future.[49] In any event it is imperative that Con-

[46] Ex parte Sturm, 152 Md. 114, 136 Atl. 312 (1927).

[47] See discussion note 28 supra.

[48] Schuyler v. Curtis, 147 N.Y. 434, 42 N.E. 2d 22 (1895); State ex rel. Mavity v. Tyndall, 224 Ind. 364, 66 N.E. 2d 755 (1946); Warren and Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193, 215 (1890).

[49] There seems to be a general belief that the potential cases involving Mr. Morris Kleinman and Mr. Louis Rothkopf will involve the lawfulness of compelling testi-

gress adopt some code or policy which will protect the rights of witnesses and demonstrate that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."[50]

DISCRETIONARY ACTS OF FEDERAL EMPLOYEES UNDER THE FEDERAL TORT CLAIMS ACT

The enactment of the Federal Tort Claims Act[1] on August 2, 1946, swept away in broad language the immunity of the Government to suits in tort. The Act states that the government shall be liable in money damages only for "... injury or loss of property, or personal injury or death, caused by the negligent or wrongful act, or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred."[2]

The tort obligation of the United States became actual instead of moral. Injured parties were given resort to the courts in lieu of the former method of a petition to Congress which that legislature at its option and in its benevolence could have responded to by the granting of relief in a private bill.[3]

Government growth and spread into new fields had made federal con-

mony at a televised congressional hearing. On August 10, 1951, the United States Senate voted 38 to 13 to certify these men to the United States Attorney for the District of Columbia as being in contempt of that body. 97 Cong. Rec. 10013 (August 10, 1951). However a reading of the Senate debate which preceded the balloting indicates that both Senators Kefauver and O'Conor were of the opinion that television was involved in neither of these instances because the committee chairman, when the witnesses refused to testify, offered to discontinue focusing the television cameras on them. This position, however, seems subject to serious queston because the cameras had been on the witnesses for about half an hour at the time of the offer and the focusing of the cameras on some other participant in the hearings would continue to permit the replies of the witnesses to be audible to the television audience.

[50] Missouri, K. & T. Ry. Co. v. May, 194 U.S. 267, 270 (1903). Many have expressed the opinion that Congress should be permitted to conduct its investigations as it sees fit with little or no interference from the courts. For example see Frankfurter, Hands Off The Investigations, 38 New Rep. 329 (1925); Jackson J. dissenting in Eisler v. United States, 338 U.S. 189, 196 (1949).

[1] 60 Stat. 843 (1946). New title: 62 Stat. 992 (1948), 28 U.S.C.A. §§ 1346(b), 1402, 1504, 2110, 2401, 2402, 2411, 2412, 2671–2680 (1948).

[2] 62 Stat. 933 (1948), 28 U.S.C.A. § 1346(b) (1948).

[3] The Special Senate Committee which reported on Title IV of the Legislative Reorganization Bill of 1946 stated: "It [the Federal Tort Claims Act] is complementary to the provision in title I banning private bills and resolutions in Congress, leaving claimants to their remedy under this title [the Act]." Sen. Rep. No. 1400 (on S. 2177), 79th Cong., 2d Sess. 29 (1946).