

on any contempt charge. See *In re Oliver*, 333 U.S. 257 (1948), where a Michigan statute authorized judges to sit as one-man grand juries, with the usual grand jury powers, including the power to commit a witness for contempt if his testimony seemed false or evasive, subject to review only on such portion of the record as the committing judge may select. Under this statute a witness was summarily committed for contempt by a judge-grand jury because of the apparent inconsistency of his testimony with that of another witness. On habeas corpus the court considered only the testimony alleged to be false and evasive, not the whole record. The entire proceeding before the judge-grand jury, including the commitment as well as the investigation itself, was held in secret, and there was no special or separate hearing on the contempt charge.

The Court, in an opinion by Mr. Justice Black, held that such summary commitment constituted a denial of due process in violation of the Fourteenth Amendment on the grounds of (1) the secrecy of the proceedings and (2) the lack of reasonable opportunity to be heard on the contempt charge.

III. MATERIAL WITNESS BILL

The third bill provides for the detention of material and necessary witnesses to crimes if there is "reasonable probability" that such witnesses will not be available at the trial. It expands considerably a provision found in Section 4-144 of the D.C. Code.

I have yet to hear of any valid reason for this proposed legislation. I do not deny that a reason exists; I simply state that I have not heard of a reason.

It seems to me that this problem can be solved without additional legislation. Surely if there is some doubt that a witness will appear, he may be placed under subpoena by the court. If he does not appear at the trial the case may be continued and the matter cleared up at a later date.

A uniform law already exists whereby the United States Attorney may bring a witness here from some other jurisdiction. I refer specifically to Section 23-803 of the D.C. Code, which provides in essence that if any person in any state is