

GREENE v. McELROY.

Opinion of the Court.

the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, *e. g.*, *Mattox v. United States*, 156 U. S. 237, 242-244; *Kirby v. United States*, 174 U. S. 47; *Motes v. United States*, 178 U. S. 458, 474; *In re Oliver*, 333 U. S. 257, 273, but also in all types of cases where administrative and regulatory actions were under scrutiny. *E. g.*, *Southern R. Co. v. Virginia*, 290 U. S. 190; *Ohio Bell Telephone Co. v. Public Utilities Commission*, 301 U. S. 292; *Morgan v. United States*, 304 U. S. 1, 19; *Carter v. Kubler*, 320 U. S. 243; *Reilly v. Pinkus*, 338 U. S. 269. Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee v. McGrath*, 341 U. S. 168-169 (concurring opinion).

Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (3d ed. 1940) § 1367:

"For two centuries past, the policy of the Anglo-American system of Evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."

Little need be added to this incisive summary statement except to point out that under the present clearance procedures not only is the testimony of absent witnesses allowed to stand without the probing questions of the person under attack which often uncover inconsistencies,