

## High Court Decision

# Hill Inquiry Powers Upheld

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The Supreme Court gave sweeping endorsement yesterday to the investigative powers of congressional committees, including the right to obtain bank records without judicial interference.

Congressional subpoena power is "an indispensable ingredient of lawmaking," Chief Justice Warren E. Burger said for five members of the court. "The wisdom of congressional approach or methodology is not open to judicial veto."

The five justices, part of an 8-to-1 majority that held the committees immune from court orders blocking subpoenas, were joined by three justices who expressed less en-

thusiasm for the unbridled power of Congress to demand the records of private individuals.

Over the lone dissent of Justice William O. Douglas, the court said the committees' immunity stems from the Constitution's "Speech or Debate" clause, which provides that members of Congress "shall not be questioned in any other place," including the courts, for legislative acts.

Rejecting pleas on behalf of an antiwar group called the United States Servicemen's Fund, the court held that "the power to investigate is inherent in the power to make laws" because Congress needs information to legislate.

The group argued that the subpoena was issued solely to

intimidate political dissenters, but the court, following earlier opinions, said courts are not to probe the motives of legislators.

"We reaffirm," said Burger, "that once it is determined that members (of Congress) are acting within the legitimate legislative sphere, the Speech or Debate clause is an absolute bar to interference."

The decision did not disturb high court rulings that have sustained some refusals to testify or produce records for congressional committees. Those decisions, however, involved direct defiance by individual targets of investigation while yesterday's ruling involved attempts to block a third party, in this case the

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bank, from complying with a subpoena.

Also left undisturbed was a 1972 decision that a House committee does not have unlimited power to defame private individuals in its official reports.

Nevertheless, the court's approval of committee investigative powers amounted to the warmest support the congressional bodies had received after many years of unsuccessful litigation.

The subpoena in question was issued and then blocked five years ago. "This case illustrates vividly the harm that

judicial interference may cause," Burger said. "A legislative inquiry has been frustrated for nearly five years."

Burger was joined in full by Justices Byron R. White, Harry A. Blackmun, Lewis F. Powell Jr. and William H. Rehnquist. Concurring in the judgment were Justices Thurgood Marshall, Potter Stewart and William J. Brennan Jr.

Justice Douglas' dissent argued that "no official, no matter how high or majestic his or her office, who is within reach of judicial process, may invoke immunity for his actions for which wrongdoers normally suffer."

The concurring justices em-

phasized Burger's statement, made in a footnote, that congressional power "is not unlimited," but none of the opinions spelled out any specific limits.

The high court also:

- Extended the Constitution's ban on double jeopardy to juvenile court proceedings by ruling, 9 to 0, that a youth who has been found delinquent in a juvenile proceeding may not later be tried as an adult for the same offense.

- Disbarred former White House counsel John W. Dean III from practice before the high court on the basis of his disbarment by the lower federal courts in Washington.