DEAR ...:

One of the real problems confronting investigatory committees of Congress springs from witnesses who take refuge in the Fifth Amendment and refuse to answer questions whether the answer thereto would actually be incriminating or not.

I fully recognize the right of a witness to refuse to testify or answer where it is the belief of the witness that an answer might conceivably incriminate.

Congress during the last session sought in part to meet this problem with a proposal which would require that either a committee of either house of Congress first approve a question on the ground that it was relevant and should be answered and thereafter would empower the chairman of such committee or the presiding officer of either house to grant immunity to a witness and thereafter require an answer. There is, however, a good deal of doubt concerning the constitutionality of such a proposal for while Congress or a committee thereof might grant such immunity, the answer of the witness might bring him into difficulties under state law and Congress is, of course, not empowered to provide immunity where a state statute might apply.

In the case of persons on the payroll of the federal government I esteem the situation to be quite different. Such person enjoys a privilege and not a right of working for the federal government and if such person refuses to answer a question and takes refuge in the Fifth Amendment, I believe it only fair and proper that the employment should be terminated for the good of the public service and in the interest of the welfare of the country. I am glad to have your observations on this proposal.

Sincerely,

Everett McKinley Dirksen