FROM THE OFFICE OF
U.S. SENATOR THOMAS C. HENNINGS, JR. (D-Mo.)

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A survey of the Bill of Rights, "amendment by amendment and clause by clause" will be undertaken by the Senate Subcommittee on Constitutional Rights in order to determine to what extent the guaranteed individual rights are being respected and enforced, Senator Thomas C. Hennings (D-Mo.), chairman of the Subcommittee, announced today. The other members of the Subcommittee are Senator Joseph C. O'Mahoney (D-Wyo.) and Senator William Langer (R-N.D.).

A special commemorative program on the meaning of the Bill of Rights in the life and problems of today is being planned for September 17, Constitution Day. Details of the program will be announced shortly, Senator Hennings said.

Senator Hennings released the text of the Subcommittee's instructions to its staff for the conduct of the survey of constitutional rights. These instructions call for the examination of the rights under the first ten amendments to the Constitution, to be followed by an examination of the rights expressed in the body of the Constitution and later by an examination of the rights embodied in the Civil War amendments.

The method of procedure will be for the Subcommittee to call expert witnesses to make expository statements on the whole field covered by a specific right—for example, the freedom of religious worship—and to indicate any specific problem under that right that calls for intensive investigation. Then the Subcommittee decides, on the basis of testimony, or on its own information, that certain subjects require specific intensive investigation, it will proceed with such specific inquiries before passing on to survey the next right guaranteed by the Bill of Rights or by the body of the Constitution.

An important feature of the instructions to the staff is the machinery provided for protecting witnesses from irrelevant questioning and from being cited in contempt for refusing to answer such irrelevant questioning. The instructions specifically announce that witnesses are to be queried only as to the possible need of Congressional legislative action in a field under examination, thus branding as irrelevant all matters on which Congress has no authority to legislate. Further protection of witnesses from irrelevant questions is provided by Instruction 3, which reads as follows:

"The particular right under examination shall be announced at the commencement of any session at which a witness may be interrogated, and also shall be stated within the subpoena or invitation pursuant to which he shall testify. Any member of the Subcommittee, the Subcommittee Counsel, and any witness personally, or through counsel, may in good faith raise the question
of the relevance of any question to the examination announced, and the presiding member of the Subcommittee shall rule thereon, subject to reversal by a majority of the Subcommittee present."

In commenting on this instruction, Senator Hennings said that in the event that a witness wishes to challenge the ruling of the Subcommittee, he is provided with a clear point to submit to the courts for judicial review.

The tentative schedule of hearings call for one week of hearings beginning October 3rd on freedom of religion and separation of church and state. There will be two weeks of hearings devoted to freedom of speech and of the press, beginning on October 17; and four weeks of hearings on the right of assembly, beginning on November 14.

The hearings will be directed by Mr. Lon Hocker, Jr., Chief Hearings Counsel for the Subcommittee. Mr. Hocker is a St. Louis lawyer, a former president of the St. Louis Bar Association and a member of the law firm of Jones, Hocker, Gladney, and Grand. Mr. Hocker has taken a temporary leave of absence from his firm in order to launch the fall series of hearings.

The Subcommittee hopes to complete its survey of the rights under the First Amendment on the basis of its present appropriation of $50,000.00. The continuation of the survey to other constitutional rights is contingent on the voting of additional appropriations for the work of the Subcommittee.

The text of the instructions to the staff is as follows: