

SENATE No. 26

To accompany the petition of Charles W. Hedges and Leslie B. Cutler that provision be made for the establishment of a special commission (including members of the General Court) to investigate certain matters of public concern. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

RESOLVE PROVIDING FOR AN INVESTIGATION OF CERTAIN MATTERS OF PUBLIC CONCERN.

1 *Whereas*, Many citizens of this commonwealth, as
2 well as members of the general court, believe the
3 need of a thoroughgoing investigation has been
4 demonstrated; therefore be it

5 *Resolved*, That a special commission be and is
6 hereby constituted to consist of two members of the
7 senate, to be designated by the president thereof;
8 and four members of the house of representatives, to
9 be designated by the speaker thereof, each of the
10 aforesaid appointments to be divided so that they
11 equally will represent the two major political parties;
12 and a lawyer, to be designated by the chief justice
13 of the supreme judicial court, to act as counsel for
14 said committee, with full power and authority to in-
15 vestigate, inquire into and examine administration
16 of justice in any part of the commonwealth of Massa-
17 chusetts it deems advisable, and in general to investi-

18 gate, inquire into and examine into every matter and
19 thing whatsoever that affects the past, present or
20 future conditions concerning or in any way bearing
21 upon or relating to the structure, conditions and
22 administrations and the conduct of municipal gov-
23 ernment in any city or town of said commonwealth.
24 The investigation of said commission may include
25 every other matter and thing not specifically men-
26 tioned in this resolution deemed by the commission
27 relevant to the general question of ascertaining and
28 proving the administration of justice and enactment
29 of laws in this commonwealth; and be it further
30 *Resolved*, That such commission be and is hereby
31 authorized to sit in the city of Boston, or elsewhere
32 within the commonwealth, and conduct the investi-
33 gation herein contemplated during the session of the
34 general court and during the recess or after adjourn-
35 ment thereof with the same power and authority it
36 would have were the general court in session; to
37 choose a chairman and one or more vice chairmen
38 from among its own members; to adopt rules for the
39 conduct of its proceedings; to employ secretary,
40 accountants, investigators and such other assistants
41 as it may deem necessary; to take testimony at pub-
42 lic and private hearings, but no testimony taken at a
43 private hearing shall form the basis of any report by
44 said committee to the general court unless such testi-
45 mony is presented as evidence at the public hearing;
46 to subpoena witnesses and compel the production of
47 books, documents and papers, public or private,
48 appertaining to this investigation; by majority vote
49 to punish, as for contempt, neglect to attend or to be
50 examined as a witness before the commission at a
51 public hearing, or upon reasonable notice to produce

52 any material books, papers or documents when duly
53 required to give testimony or to produce such books,
54 papers or documents, such punishment to be by im-
55 prisonment, not to exceed thirty days in any insti-
56 tution in the county where the contempt is committed
57 to which a person might be committed by any justice
58 of a court for contempt committed in his presence,
59 or, in the discretion of the commission, any person so
60 neglecting to attend or to be examined or to produce
61 such books, papers or documents may be proceeded
62 against as otherwise provided by law; to have the
63 assistance and co-operation of the officers, judges
64 and employees in, of or connected with any city,
65 town, county or state department, and of all other
66 agencies of the government, in or connected with said
67 city, town, county or state government; and to have
68 access to, and examination by its members, counsel
69 or employees of, all records, books, papers and docu-
70 ments of said city, town, county or state departments,
71 and otherwise to have all the power of a joint legis-
72 lative commission or committee.

73 The commission may at any time, and from time
74 to time by resolution of a majority of its members,
75 be subdivided into subcommittees of one or more
76 members, which subcommittees may sit at the same
77 time and place, or at different times and places in the
78 commonwealth of Massachusetts, as said commis-
79 sion; said subcommittees shall have all the powers,
80 except the power to punish, as for contempt, hereby
81 conferred upon said commission or to which it may
82 be in anywise entitled. The commission, or any
83 member thereof or any counsel of the commission,
84 shall have the power to administer the oath to wit-
85 nesses.

86 The said commission shall have full power and
87 authority, and it shall be its duty to prosecute its
88 inquiries in any and every direction and by any and
89 every means in its judgment necessary or proper to
90 enable it to obtain information in regard to, and
91 report upon the matters contemplated by, this
92 resolution; and be it further

93 *Resolved*, Whenever in its judgment the public
94 interest demands, the commission may determine
95 that a person shall not be excused from attending
96 and testifying before said commission or before any
97 subcommittee thereof, or from producing papers,
98 books or documents, before the commission or such
99 subcommittees in obedience to its subpoena on the
100 grounds that the testimony or evidence, documen-
101 tary or otherwise, required of him may tend to in-
102 criminate him or to subject him to a penalty or
103 forfeiture; but no person so attending or testifying
104 or producing such books, papers or documents, who
105 has duly claimed excuse or privilege which would be
106 sufficient except for this provision of this resolution,
107 and which said excuse or privilege has been expressly
108 denied by the commission, shall be subjected to
109 prosecution or to any other penalty or forfeiture for
110 or on account of the transaction, matter or thing con-
111 cerning which he may as aforesaid testify or produce
112 evidence, documentary or otherwise, before said
113 commission or subcommittee in obedience to its sub-
114 poena. The said commission and each subcommittee
115 shall have the full power and authority, and it shall
116 be its duty to prosecute its inquiries in any and every
117 direction and by any and every means in its judg-
118 ment, necessary or proper to enable it to obtain
119 information in regard to and report upon the matters

120 contemplated in this resolution. The commission,
121 and any subcommittee, may conduct investigations,
122 examine witnesses and hold hearings in public; and
123 be it further

124 *Resolved*, That whenever any person summoned to
125 testify or give evidence before the commission or a
126 subcommittee shall refuse to sign a waiver of im-
127 munity, the commission or subcommittee, whenever
128 in its judgment the public interest so demands, may
129 require such person to testify and to produce books,
130 papers and other documents in obedience to its sub-
131 poena, but no person so attending and testifying or
132 producing such books, papers and other documents,
133 shall be subject to prosecution or to any penalty or
134 forfeiture for or on account of the particular transac-
135 tion, matter or thing, concerning which he may testify
136 or produce evidence, documentary or otherwise,
137 before said commission or subcommittee. Vacancies
138 in the membership of said commission shall be filled
139 by the officers authorized to make the original ap-
140 pointments, respectively. The members of the com-
141 mission shall receive no compensation for their serv-
142 ices, but shall be entitled to their necessary expenses
143 and disbursement incurred by them in the discharge
144 of their duties. The commission shall have the power
145 to establish the compensation of its counsel, secretary
146 and other assistants, and to engage suitable office or
147 offices for the conduct of its investigation.

148 No person shall be excused from testifying or from
149 answering any question or questions, or from produc-
150 ing any papers, books or documents before the com-
151 mission pursuant to subpoena on the grounds that
152 such testimony, answer or answers, or evidence, docu-
153 mentary or otherwise, would, or might tend to, in-

154 criminate him or subject him to indictment, prose-
155 cution, penalty or forfeiture, but such person shall
156 not be liable to indictment or prosecution or to any
157 penalty or forfeiture, for, or on account of, transac-
158 tion, matter or thing concerning which he may so
159 testify, answer any question or questions, or pro-
160 duce evidence, documentary or otherwise; and be it
161 further

162 *Resolved*, That the said commission shall report to
163 the general court of Massachusetts with all con-
164 venient speed, but not later than the first day of
165 December, nineteen hundred and fifty-three, the
166 results of its investigation with legislative proposals
167 which it recommends, and that said commission may
168 also report from time to time, such results of its in-
169 vestigation as it may deem necessary for the action
170 or advice of this body; and be it further

171 *Resolved*, That the sum of one hundred thousand
172 dollars, or so much thereof as may be necessary, be
173 and is hereby appropriated by the general court for
174 the necessary expenses of said commission, to be
175 paid out of the state treasury by vouchers approved
176 and audited according to law.

