ernmental interrogation, resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown." [259]

Thus, the Court has declined to rule that, under the circumstances of particular cases, investigating committees were precluded from making inquiries simply because the subject area was education [260] or because the witnesses at the time they were called were engaged in protected activities such as petitioning Congress to abolish the inquiring committee.[261] However, in an earlier case, the Court intimated that it was taking a narrow view of the committee's authority because a determination that authority existed would raise a serious First Amendment issue.[262] And in a state legislative investigating committee case, the majority of the Court held that an inquiry seeking the membership lists of the National Association for the Advancement of Colored People was so lacking in a "nexus" between the organization and the Communist Party that the inquiry infringed the First Amendment.[263]

Dicta in the Court's opinions acknowledge that the Fourth Amendment guarantees against unreasonable searches and seizures are applicable to congressional committees.[264] The issue would most often arise in the context of subpoenas, inasmuch as that procedure is the usual way by which committees obtain documentary material and inasmuch as Fourth Amendment standards apply to subpoenas as well as to search warrants.[265] But there are no cases in which a holding turns on this issue.[266] Other constitutional rights of witnesses have been asserted at various times, but without success or even substantial minority support.

Sanctions of the Investigatory Power: Contempt

Explicit judicial recognition of the right of either house of Congress to commit for contempt a witness who ignores its summons or refuses to answer its inquiries dates from *McGrain v. Daugherty*.[267] But the principle has its roots in an early case, *Anderson v. Dunn*,[268]

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[259] Barenblatt v. United States, 360 U.S. 109, 126 (1959).

[260] Barenblatt v. United States, 360 U.S. 109 (1959).

[261] Wilkinson v. United States, 365 U.S. 399 (1961); Braden v. United States, 365 U.S. 431 (1961).

[262] United States v. Rumely, 345 U.S. 41 (1953).

[263] Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539 (1963). *See also* DeGregory v. Attorney General, 383 U.S. 825 (1966).

[264] Watkins v. United States, 354 U.S. 178, 188 (1957).

[265] *See* Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186 (1946), and cases cited.

[266] *Cf.* McPhaul v. United States, 364 U.S. 372 (1960).

[267] 273 U.S. 135 (1927).

[268] 19 U.S. (6 Wheat.) 204 (1821).