for face-to-face confrontation."[249] This preference can be overcome "only where denial of such confrontation is necessary to further an important public policy and only where the reliability of the testimony is otherwise assured."[250] Relying on the traditional and "transcendent" state interest in protecting the welfare of children, on the significant number of state laws designed to protect child witnesses, and on "the growing body of academic literature documenting the psychological trauma suffered by child abuse victims,"[251] the Court found a state interest sufficiently important to outweigh a defendant's right to face-to-face confrontation. Reliability of the testimony was assured by the "rigorous adversarial testing [that] preserves the essence of effective confrontation."[252] All of this, of course, would have led to a different result in *Coy* as well, but *Coy* was distinguished with the caveat that "[t]he requisite finding of necessity must of course be a case-specific one"; Maryland's required finding that a child witness would suffer "serious emotional distress" if not protected was clearly adequate for this purpose.[253]

In another case involving child sex crime victims, the Court held that there is no right of face-to-face confrontation at an in-chambers hearing to determine the competency of a child victim to testify, because the defendant's attorney participated in the hearing, and because the procedures allowed "full and effective" opportunity to cross-examine the witness at trial and request reconsideration of the competency ruling.[254] And there is no absolute right to confront witnesses with relevant evidence impeaching those witnesses; failure to comply with a rape shield law's notice requirement can validly preclude introduction of evidence relating to a witness's prior sexual history.[255]

COMPULSORY PROCESS

The provision requires, of course, that the defendant be afforded legal process to compel witnesses to appear,[256] but another apparent purpose of the provision was to make inapplicable in fed-

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[249] 497 U.S. at 849 (emphasis in original).

[250] 497 U.S. at 850. Dissenting Justice Scalia objected that face-to-face confrontation "is not a preference 'reflected' by the Confrontation Clause [but rather] a constitutional right unqualifiedly guaranteed," and that the Court "has applied 'interest-balancing' analysis where the text of the Constitution simply does not permit it." Id. at 863, 870.

[251] 497 U.S. at 855.

[252] 497 U.S. at 857.

[253] 497 U.S. at 855.

[254] Kentucky v. Stincer, 482 U.S. 730, 744 (1987).

[255] Michigan v. Lucas, 500 U.S. 145 (1991).

[256] United States v. Cooper, 4 U.S. (4 Dall.) 341 (C.C. Pa. 1800) (Justice Chase on circuit).