

## Sec. 1—The Congress

## Legislative Powers

Although *Sinclair* and *McGrain* involved inquiries into the activities and dealings of private persons, these activities and dealings were in connection with property belonging to the U.S. government, so that it could hardly be said that the inquiries concerned the merely personal or private affairs of any individual.<sup>215</sup> But, where the business and the conduct of individuals are subject to congressional regulation, there exists the power of inquiry,<sup>216</sup> and in practice the areas of any individual's life immune from inquiry are probably fairly limited. "In the decade following World War II, there appeared a new kind of congressional inquiry unknown in prior periods of American history. Principally this was the result of the various investigations into the threat of subversion of the United States Government, but other subjects of congressional interest also contributed to the changed scene. This new phase of legislative inquiry involved a broad-scale intrusion into the lives and affairs of private citizens."<sup>217</sup>

Because Congress clearly has the power to legislate to protect the nation and its citizens from subversion, espionage, and sedition,<sup>218</sup> it also has the power to inquire into the existence of the dangers of domestic or foreign-based subversive activities in many areas of American life, including education,<sup>219</sup> labor and industry,<sup>220</sup> and political activity.<sup>221</sup> Because its powers to regulate interstate commerce afford Congress the power to regulate corruption in labor-management relations, congressional committees may inquire into the extent of corruption in labor unions.<sup>222</sup> Because of its powers to legislate to protect the civil rights of its citizens, Congress may investigate organizations which allegedly act to deny those civil rights.<sup>223</sup> It is difficult in fact to conceive of areas into which congressional inquiry might not be carried, which is not the same, of course, as saying that the exercise of the power is unlimited.

<sup>215</sup> 279 U.S. at 294.

<sup>216</sup> The first case so holding is *ICC v. Brimson*, 154 U.S. 447 (1894), which asserts that, because Congress could itself have made the inquiry to appraise its regulatory activities, it could delegate the power of inquiry to the agency to which it had delegated the regulatory function.

<sup>217</sup> *Watkins v. United States*, 354 U.S. 178, 195 (1957).

<sup>218</sup> See *Dennis v. United States*, 341 U.S. 494 (1951); *Barenblatt v. United States*, 360 U.S. 109, 127 (1959); *American Communications Ass'n v. Douds*, 339 U.S. 382 (1950).

<sup>219</sup> *Barenblatt v. United States*, 360 U.S. 109, 129–132 (1959); *Deutch v. United States*, 367 U.S. 456 (1961); cf. *Sweezy v. New Hampshire*, 354 U.S. 234 (1957) (state inquiry).

<sup>220</sup> *Watkins v. United States*, 354 U.S. 178 (1957); *Flaxer v. United States*, 358 U.S. 147 (1958); *Wilkinson v. United States*, 365 U.S. 399 (1961).

<sup>221</sup> *McPhaul v. United States*, 364 U.S. 372 (1960).

<sup>222</sup> *Hutcheson v. United States*, 369 U.S. 599 (1962).

<sup>223</sup> *Shelton v. United States*, 404 F.2d 1292 (D.C. Cir. 1968), cert. denied, 393 U.S. 1024 (1969).