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Federal Rules Decisions
1953, 1954

***335** STATEMENT OF THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, MADE TO THE SUB-COMMITTEE OF THE COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO INVESTIGATE THE DEPARTMENT OF JUSTICE OF THE UNITED STATES, ON JUNE 1, 1953.

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On May 30, 1953, the Sub-Committee of the Committee of the House of Representatives, to investigate the Department of Justice of the United States, issued and caused to be served upon United States District Judge Louis E. Goodman, a summons directing him to appear before said Sub-Committee, at a hearing in San Francisco on June 1, 1953.

On June 1, 1953, Judge Goodman appeared before the Sub-Committee and read and caused to be filed in the records of the Committee the following two statements:

“June 1, 1953

“To the Chairman and Members of the Sub-Committee of the House Committee to Investigate the

Department of Justice
San Francisco, Calif.

“Sirs:

“You have summoned a Judge of the United States District Court for the Northern District of California to appear before your Committee to testify at your current hearings. The Judges, signing below, being all the Judges of the Court, are deeply

conscious, as must be your committee, of the Constitutional Separation of functions among the Executive, Legislative, and Judicial branches of the Federal Government. This separation of functions is founded on the historic concept that no one of these branches may dominate or unlawfully interfere with the others.

“In recognition of the fundamental soundness of this principle, we are unwilling that a Judge of this Court appear before your Committee and testify with respect to any Judicial proceedings.

***336** “The Constitution does not contemplate that such matters be reviewed by the Legislative Branch, but only by the appropriate appellate tribunals. The integrity of the Federal Courts, upon which liberty and life depend, requires that such Courts be maintained inviolate against the changing moods of public opinion.

“We are certain that you, as legislators, have always appreciated and recognized this, as we know of no instance, in our history where a committee such as yours, has summoned a member of the Federal Judiciary.

“However, in deference to the publicly avowed earnestness of the Committee, we do not object to Judge Goodman appearing before you to make any statement or to answer any proper inquiries on matters other than Judicial proceedings.

Michael J. Roche, Chief Judge
Louis E. Goodman
United States District Judge

George B. Harris
United States District Judge

Dal M. Lemmon
United States District Judge

Oliver J. Carter
United States District Judge

Edward P. Murphy
United States District Judge

Monroe M. Friedman
United States District Judge.”

“June 1, 1953.

“To the Chairman and Members of the Sub-Committee of the House Committee to Investigate the Department of Justice.

San Francisco, Calif.

“Sirs:

“Reports of the proceedings of your committee appear to indicate that you believe there is divergence of view among the Judges of the United States District Court for the Northern District of California as to whether matters occurring before Grand Juries in this District may be disclosed to your committee.

“The undersigned, being all the Judges of this District, call to your attention Rule 6(E) of the Rules of Criminal Procedure of the United States District Courts, which provides *** ‘a juror, attorney, interpreter, or stenographer may disclose matters occurring before the Grand Jury only when so directed by the court preliminary to or in connection with a judicial proceeding.’ ***

“This is to advise you that neither the Court nor any Judge thereof has directed or authorized the disclosure of any matters occurring before any Grand Jury in this District.

Michael J. Roche, Chief Judge
Louis E. Goodman
United States District Judge

George B. Harris
United States District Judge

Dal M. Lemmon
United States District Judge

Oliver J. Carter
United States District Judge

Edward P. Murphy
United States District Judge

Monroe M. Friedman
United States District Judge.”

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