

1 THE CHAIRMAN: All right, the question to be
2 presented this time is whether the Committee shall include
3 specific language requiring that the witnesses be examined
4 on oath or affirmation. Is there any discussion of
5 that proposition?

6 JUDGE ADKINS: May I make one comment in con-
7 nection with the point Mr. Sayre made earlier about the
8 the word, oath? It was not discussed here, and
9 I don't want to discuss it except to say that the Rules
10 Committee of the Court of Appeals has had a good deal of
11 problem with the use of the word, oath, in the new rule,
12 subject to, I don't know how you pronounce it, Showgurow
13 case, and they wrote a new oath -- well, they wrote a
14 new statement which a witness must make which eliminated
15 the word, oath, because of a serious question on that
16 Committee as to whether or not the use of the word, oath,
17 was not unconstitutional. I don't press that point
18 except that the Committee might take another look at the
19 use of that word.

20 THE CHAIRMAN: I would rule then that the
21 question referred to the Committee is the question of