

1 this stage to investigate a completely novel and sweeping  
2 notion. I personally take the professorial attitude.  
3 I would like to see some discovery in criminal cases, but  
4 I don't think here and now is the place for it.

5 THE CHAIRMAN: I was trying to phrase my prop-  
6 osition in a way that would avoid that by saying that  
7 the Committee was requested to investigate the extent to  
8 which, if at all, there ought to be any provision with  
9 respect to this in the Declaration of Rights.

10 MRS. BOTHE: You are giving them an awful  
11 assignment.

12 MR. SCANLAN: I would be against it at any  
13 time in the Constitution. The whole question of dis-  
14 covery in criminal procedure is such a delicate, intricate  
15 one that it can only be worked out after the most careful  
16 study by judges, lawyers and professors, and to put it  
17 in the Constitution, as long as there is nothing to  
18 prohibit it, that is all we should do. I would hate to  
19 put something in that would require it.

20 THE CHAIRMAN: I should point out to you that  
21 our objective here is to investigate and prepare studies