

is being a witness to have some flexibility. What if your daughter is being married that day? I mean there are some extenuating circumstances where people will take the circumstances into consideration. This is something that I feel should be in the law when it is informally practiced now. It should be a right for everyone.

SENATOR MURPHY: I would concur with respect to the courtesy, Senator Marsh, but this makes no provision that the person must ultimately testify. It simply says he shall be excused, not for a day or not until another day, but simply excused and I think this would defeat your subpoena entirely. I grant you what you are saying probably is common practice and common courtesy but this does not touch on that and this places no limitation on the period of time for which he will be excused from that subpoena. It simply says he is excused, and as I say, I am afraid that could very well defeat a subpoena, period.

SENATOR CHAMBERS: Senator Murphy, I would like to give you one example. Now there are some proceedings before federal grand juries and it involves certain trade practices or selling practices of large companies and there is going to be an attempt to subpoena certain documents, and because of the number of the documents involved, there is no way realistically that they can be produced. So an indication has been made that certain selective documents in a given area of the subject matter will have to be produced but not every single item that had been requested by the subpoena originally. So there can be situations where because of the volume of material or the nature of the material, the mere fact that a subpoena is issued to produce it, it would be unreasonable or oppressive to try to require a person to do that. But you will notice that the two words here I believe would have to be construed and given meaning. A person could not simply say, I think it is unreasonable. I think it is oppressive. I think facts would have to be produced to establish that state of affairs, and then if you refuse to respond to a subpoena, the same proceedings that cannot exist right now to impel obedience would be available.

SENATOR MURPHY: Senator Chambers, would you be agreeable to amending that section to specify that he would be excused at the pleasure of the grand jury or with permission of the grand jury because I still read it as saying I can avoid a subpoena by raising either of those two arguments which are undefined and I am not disagreeing with what you are saying or what Senator Marsh said that there may be cir-