

state cannot give immunity in a federal prosecution. So if you believe in the principle of protecting a person against self-incrimination, on the one hand you are saying that the state can compel this testimony by granting immunity from prosecution but you aren't able to stop the federal courts from using this testimony or anything growing from it against a person in a prosecution. Now the reason for the Fifth Amendment privilege is to prevent the state from coercing or in any way using its power to compel a person to participate in his or her own conviction. The bill as offered is designed to grant the protection that the Fifth Amendment envisioned. If you take away the possibility of prosecution, then there is no longer any basis for the person failing to testify. There can be no self-incrimination because there will not be a prosecution, but because the federal jurisdiction is not bound by what the state does, the person still now has been compelled by the state to give testimony that can be used at a different level against the person. So if you believe in the principle of nontestimony to avoid self-incrimination, then you can't support this bill. But I have another question I would like to ask. Senator Sieck, what is the punishment that this bill allows for failure to testify even after being compelled? Is there any punishment mentioned in this bill itself? Mr. Chairman, could Senator Sieck be turned on? He has agreed to yield to a question.

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: Yes, as I recall, there is no punishment involved in it. It is just a matter of two transactions, one transaction transacts immunity and immunity by words.

SENATOR CHAMBERS: Well, if there is no punishment, where is the state's coercive force that can compel a person to testify?

SENATOR SIECK: I can't answer that.

SENATOR CHAMBERS: Senator Johnson, would you like...I see you going through the statute, would you like to assist in this or is this not the matter that you are looking up? Senator Johnson, we are talking about a situation where a court is compelling testimony and being given the authority to compel the testimony. Now the bill itself does not provide for punishment for failure to testify so what would be called into play to enforce the court's order that a person testify once having been granted immunity, in your opinion?

SENATOR V. JOHNSON: Generally speaking, Senator Chambers,