

referring the issues of fact or law to another tribunal or to a jury in the same tribunal. For if there was no such authority in the first instance there would be no power to enforce its orders if they were disregarded in such independent investigation. Without authority to act promptly and independently the courts could not administer public justice or enforce the rights of private litigants. Bessette v. Conkey, 194 U.S. 337."

These two cases state the general rule on the subject.

The federal judges who hear and decide these cases are not foreign to the people of their soil and the areas in which they sit. They are generally natives of their communities. Their roots are there. They know the people, their customs, their prejudices, their capacity for human betterment. These judges, in turn, are held in high esteem because of their position, their legal background and learning, and their standing as citizens in the community. Such judges may be expected, as experience has shown, to be utterly fearless in their duty, to apply the law without favor, and to uphold it with utmost integrity. And should there be any error in the application of the law or abuse of authority, the court's decree in these contempt proceedings is subject to review on appeal in the Courts of Appeal and the Supreme Court. The long record which these Courts have demonstrated in protecting the rights of defendants in contempt proceedings is persuasive that all of the protection which the law affords will continue to be extended to all.

The argument has been made that criminal contempts in the past have been relatively few in number, and therefore no great apprehension need be exercised about the impact of the amendment. This argument misses the point. It is the very threat of an existing criminal contempt procedure that is both speedy and effective which helps to bring about fuller compliance with law today. This has made unnecessary resort to as many criminal contempt proceedings as would otherwise have been required. But once permit this remedy to be weakened by withdrawing the means by which legal orders and decrees may be promptly enforced, and the resulting disrespect for the law will be harmful.

In most state courts also, the view has long prevailed that proceedings for criminal contempt of court are not subject to the right of trial by jury. A few cases should suffice to illustrate the general rule.

In the landmark Carter's Case, 96 Vir. 791, 816, the Supreme Court of Virginia said:

"It was suggested in argument that to maintain the position that to entrust juries with the power to punish for contempts would impair the efficiency and dignity of courts, disclosed a want of confidence in that time-honored institution. May it not be said in reply that to take from courts a jurisdiction

