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Statement about Supreme Court decision in the Mallory Case

Strom Thurmond

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Statement by Senator Strom Thurmond (D-SC) in the Senate with reference to the Supreme Court decision in the Mallory case, June 27, 1957.

Mr. President, the Supreme Court — which has recently handed down decisions to give greater protection to Communists and criminals — has now issued an edict which will give greater protection to such heinous criminals as rapists and murderers.

I refer to the decision in the Mallory case.

Although the Court was so concerned about the undefined rights of a confessed rapist /that it overturned his conviction, the Court was so little concerned about the suffering of an innocent victim/that it was willing for the rapist to go free.

I say the "undefined rights" of the rapist/because neither the Federal Rules of
Criminal Procedure/nor the Court/has provided a definition of whether "unnecessary delay" in the arraignment of a prisoner/involves any specific length of time.

However, the important point as to the rights of the rapist/is that no evidence was presented to show that he had been deprived of any Constitutional right. On the contrary, the sequence of events as recited by the District Attorney, clearly shows/that the rights of the prisoner were adequately protected after his arrest. The questioning to which he was subjected by the police was reasonable, and the fact that he was given food during the period he was under questioning/demonstrates the consideration extended to him by the police.
As I stated yesterday, "the choice we face in this country today is judicial limitation or judicial tyranny." Congress must take action to limit the power of the Court.

I regret that the Supreme Court shows more concern for the rights of Communists and criminals, including rapists and murderers, than it does for the protection of innocent American citizens.

I regret, also, that Congress has wasted so much time over a so-called civil rights bill when the very lives of innocent women in our Capital City are being endangered by decisions such as that in the Mallory case.

Some persons have hailed the decision as one which will prevent police abuses. Any police abuse this decision prevents/
will be replaced many times over by criminals abusing the laws of the States and Nation under the umbrella of the Supreme Court decision.

Assistant United States Attorney General Warren Olney, chief of the Justice Department's Criminal Division, issued a statement declaring that the Court's decision "clearly demonstrates that a great many very serious crimes will go unpunished."

Had there been a specific abuse involved here which would have changed the facts of the case, the Court might have had reason to hand down the opinion it did. The facts showed no abuse of the rights of the prisoner.

I am greatly concerned about the effect of this decision on the policemen of
Washington and the policemen of the entire Nation. Daily they risk their lives to protect the lives and property of our citizens. They deserve the support and encouragement of every public official, including the Supreme Court, in the performance of their duties.

Mr. President, I hope the Special Subcommittee of the Senate Judiciary Committee which is studying improvements in the Federal Code will, at the earliest possible moment, introduce legislation to curb the Supreme Court in its reckless exercise of power in such cases.

I ask unanimous consent to have printed in the Record at the conclusion of my remarks two articles which were published in The Washington Evening Star of yesterday, June 26, 1957. One is the text of a statement issued by the United States
Attorney for the District of Columbia. The other is entitled, "Freeing of Mallory Called Big Loophole for Criminals -- Olney Predicts Gangsters Will Dodge Punishment."

END