

(85-4)

STATEMENT BY SENATOR STROM THURMOND (D-SC) ON SENATE FLOOR ON  
INTRODUCTION OF BILL TO AMEND MILITARY JUSTICE PROCEDURES,  
JANUARY 14 , 1959.

MR. PRESIDENT:

Recently there occurred an incident in California /where a civilian attorney was seized by a Marine Provost Guard, armed with a warrant of attachment, and brought forcibly before a military court of inquiry. The details of this incident and the merits or de-merits involved therein are not important for the purpose of my remarks. It demonstrated, however, the danger which lies in the use of a warrant of attachment or arrest /against a civilian by the military.

A writ of bodily attachment is subject to gross abuse /in the hands of inexperienced persons who possess power /but do not always possess the discretion born of training and experience, which is essential to the proper execution of the warrant. Such a procedure should be avoided /where there is <sup>OTHER</sup>adequate machinery for the accomplishment of the identical purpose. With reference to this procedure, other machinery does exist in the U. S. Marshal's office.

I therefore send to the desk for appropriate reference /a bill to amend the military justice procedure /so that any warrant of attachment or arrest by the military for a civilian, /issued in the United States or its territories, commonwealths and possessions, would be served by the U. S. Marshal for the judicial district /in which the person sought resided.

This bill has the endorsement of and was proposed by the American Bar Association.

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