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 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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