

SENATOR
SAM ERVIN
SAYS

WASHINGTON—The several crime control measures being considered by the Congress and the current controversy over preventive detention provisions contained therein recently caused me to introduce a bill to attack the problems caused by delayed criminal trials by requiring that persons charged with offenses against the United States shall have a speedy trial as guaranteed by the Sixth Amendment.

In introducing the "Speedy Trial Act of 1970," I recognize that preventive detention, which I abhor, is a reaction to the steadily worsening ability of our criminal justice system to cope with the demands placed upon it in the modern era. Greater numbers of defendants, greater rates of crime, longer delays in trial and appeal, assembly-line justice, inadequate staffing of courts and supporting personnel, and a tragic and disgraceful corrections system—these are among the serious difficulties which beset our criminal justice system.

In my judgment, however, preventive detention will not cure the ills besetting our judicial system. What it will do is paper over the decay of the courts, and hide ills which must be remedied. It will enable us to operate much as we have in the past, because the fruits of this crisis will be hidden from our eyes. Defendants will languish unseen in jails awaiting trials that will be ever longer in coming if we continue our failure to face the true problems and to propose serious means to solve them. If we adopt preventive detention as the panacea, I fear that we will have yet another excuse to ignore the hard work that must be done to reform our courts. All the manifestations of our failures—delayed trials, the pretrial crime those delays foster, injustice to citizens, and disrespect of the law—will be hidden from view.

Parents, in seeking to help their children, might remember the fact that responsibility often develops unexpectedly in children.

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What we must face is the fact that our criminal justice system is breaking down. In my judgment, this breakdown will get worse if we institute new repressive devices which do violence to constitutional principles and which will eventually burden the system even more. Instead, we should do what is constitutionally required. We must implement the Sixth Amendment right to a speedy trial—a right thus far denied to society and the defendant—and make that amendment guarantee a reality after all these years.

My bill would require each federal district court to set trials within 60 days of the date of an indictment or information. Delays in trial would be permitted only when required by other proceedings involving the defendant or those absolutely necessary for the holding of a fair trial. It would bar delays caused by inadequate judicial resources, and it would strongly discourage procrastination by counsel.

My bill also requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the Sixth Amendment, and to report to Congress concerning the funds and personnel needed to implement the speedy trial requirements.

Thus, if my bill is adopted, it will require for the first time that the executive and judicial branches make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. Congress can then determine the resources necessary to achieve a well-run, modern judicial system—one which can effectively perform its function of punishing and rehabilitating law breakers and deterring crime.

I have urged the Justice Department and witnesses testifying before the Senate Subcommittee on Constitutional Rights, which is conducting hearings on preventive detention, to study my reform measure in the hope that it will lead to acceptable solutions for the immense problems which face us in the administration of criminal justice.

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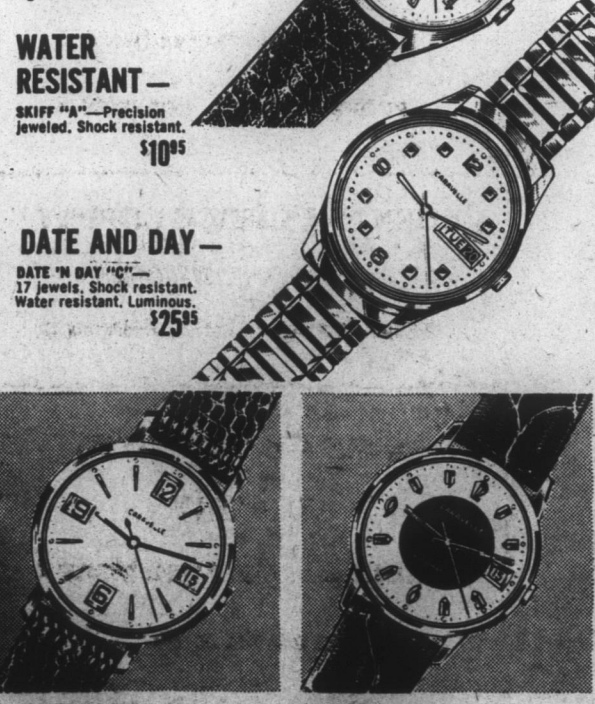
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