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the Speedy Trial Act was in general a good thing. I do not believe that such gratuitous complaints are sufficient basis for recommending that the Speedy Trial Act be reevaluated, especially in light of the fact that witnesses, including the representative of the Department of Justice, found the act adequate to deal with an assassination.

The Federal bail statutes were the subject of limited testimony and consideration by this committee. They were considered only in an effort to determine whether the unconstitutionality of the Federal death penalty, 18 U.S.C. 1111 et seq., would in effect classify Federal homicide as a noncapital crime for purposes of bail. I think it is appropriate for this committee to recommend that the Judiciary Committee examine the bail statutes in considering the Federal death penalty. I do not feel any further recommendation on the bail statutes is warranted.

All of the statutes in this section which the committee recommends be reconsidered are designed with a delicate balance in mind, the balance between individual rights and the state's police power. Disturbing that balance can lead to disastrous results. While individual situations must be considered in striking this balance, without clear and compelling justification new exceptions should not be made and the overall balance should not be shifted. Undoubtedly, assassination is a heinous crime and society demands that the perpetrators of such a crime be brought to justice, but we must not lose sight of other societal values in our eagerness to see justice done. Justice is never served when, in moving toward it, we blindly trample on rights which in calmer moments we earnestly fight to preserve.

#### CONCLUDING REMARKS

I would like to make some general comments regarding my service on this committee, and in doing so discuss an issue which deserves particular attention.

My service on the House Select Committee on Assassinations was a painful experience. For 2 years my colleagues and I listened to the circumstances surrounding the death of two men: One, an inspired individual who gave this Nation a special understanding of the meaning and importance of freedom; the other, a President who transferred his hope, his ideals, and his youth to a Nation growing old before its time. While they lived the shoulders of a Nation were sturdier, its back was stronger, and its heart a little greater. And although what they gave will remain with this country for all time, with their death we lost forever the glowing promise of their tomorrow.

Thus, my service on the committee was a painful one. But hearing of the conduct that was engaged in by various agencies of our Government in the name of security, in the name of law enforcement, not only added to that pain, but caused me to feel shame and anger in a way in which I can only hope I will never feel again.

The evidence before this committee on some of the activities of the Federal Bureau of Investigation and the Central Intelligence Agency consisted of story after story of abusive practices. The FBI, an arm of our Government, engaged in what was tantamount to a private war against one individual—not a criminal, just a man who spoke out

against injustice. The FBI's conduct toward Dr. King not only dishonors that agency, but dishonors each and every one of us.

The CIA, an arm of our Government, locked Mr. Nosenko in a cell, a "vault" for 3 years. For 3 years this agency kept a man in solitary confinement without resort to legal process and under conditions designed to break his mind and his spirit. In addition, the CIA made a number of efforts to kill the leader of a foreign nation and joined forces with organized crime so that they might better accomplish their goal. We must never permit these agencies to dishonor us in like manner again.

This committee heard over and over again from both these agencies that the abuses of the past would never be repeated. Heartening as these assurances are, they are not enough. Now that these abuses have been publicly aired, we have a responsibility to do everything we can to see to it that they are not repeated. Ignorance of the danger can never again be an excuse.

The only means of fulfilling our responsibility to insure that the abuses which occurred in the 1960's do not occur again is to pass legislation restricting the activities in which these agencies may lawfully engage. I, however, am not confident that charter legislation is enough. In addition, I think Congress should consider imposing criminal liability on officers and employees of these agencies who engage in wrongful activities which may now be technically outside the reach of criminal statutes.

These two agencies need the rule of law. The attitude that they were free to function outside or above the law allowed these abuses to occur. There must be no question that Congress intends for these agencies to operate within the law and that the American public demand that they do so. I believe that even today the attitude of being in some way above the law lingers in these agencies. It was apparent in the CIA's choice of a witness to appear before this committee in a public hearing. The CIA sent someone who had an agreement with that agency not to speak about the primary subject of this committee's work, Lee Harvey Oswald.

Upon what meat doth this, our Caesar, feed,  
That he is grown so great?

"Julius Caesar." William Shakespeare.

Perhaps it is the meat of our indifference. If so, we can afford to be indifferent no longer.

*Separate remarks of Christopher Dodd*

#### SEPARATE VIEWS

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