

Dewey Urges Repeal Of Fifth Amendment

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By Leroy F. Aarons
Washington Post Staff Writer

NEW YORK, Nov. 27—Former Gov. Thomas E. Dewey of New York today proposed repeal of the Fifth Amendment—the self-incrimination clause of the U.S. Constitution.

Dewey, twice the Republican candidate for the Presidency and one of the names in speculation for a Supreme Court

post in the Nixon Administration, stated his unusual position in remarks to the press following a tough law-and-order speech to a luncheon of the Federal Bar Association of New York, Connecticut and New Jersey.

"We don't need the Fifth Amendment," said Dewey, who is 66 and practices law in New York City. "It was for the Dark Ages."

He suggested, instead, a statute that would require "everybody to answer questions" asked by a legally constituted governmental body, court or police, "or have his failure to do so commented upon."

The Fifth Amendment provides that "no person . . . shall be compelled in any criminal case to be a witness against himself."

In recent years, the protection clause has been broadly extended by the Supreme Court to include the right of a suspect to have a lawyer before being questioned in a station house, as well as other liberal measures.

In his speech, Dewey sharply criticized the growing body of court opinion guarding defendants' rights. He called it "a maze of artificial protec-

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tions which do not protect anybody but the guilty." He added:

"We have become a permissive society. It doesn't make any difference whether it's a mob or beating up for the sheer joy of it, larceny, arson are condoned. They go without punishment. . . .

"We had better start restructuring our society or somebody else is going to start doing it over our heads. Liberty may not survive in chaos if government does not preserve order."

Dewey based much of his talk on a recent series of lectures by Federal Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit.

Friendly proposed softening the Fifth Amendment to permit questioning of suspects

before arrest without giving the self-incrimination warning; dismissal or discipline of Government employees who fail to answer questions about official conduct; and to allow judges to tell a jury that a defendant refused to answer questions by the police after having been warned of his rights.

Friendly also has been mentioned as a possible Nixon candidate for the Supreme Court.

Dewey praised the Friendly proposals, saying, "Why shouldn't anybody answer questions? And if they don't, why shouldn't they be commented upon?"

It was later that Dewey said he would be happy to see the Fifth Amendment eliminated altogether and replaced by

statute. But he was vague on details.

He said he was concerned about the possibility of witnesses being harassed before Congressional committees, and that he would not use the contempt device against criminal suspects refusing to answer questions.