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THE "REST OF US" IN THE "POLICING THE POLICE" CONTROVERSY

(Comments upon *The Courts, the Police, and the Rest of Us*, by Professor Herbert L. Packer)

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To the two horns that constitute the dilemma on which this Conference seems to be hung—*The Supreme Court* and *The Police*—Professor Packer has added a third one: *The Rest of Us*. Although that third force is, potentially, far more powerful than either of the other two, I fear that Professor Packer has not fully explored, or, perhaps fully "exploited" its potential. Nor, in fact, have "the rest of us." And that is what I shall try to do with you.

The Packer paper centers on two areas. *First*, Professor Packer examines the growing *judicial* restraints on police conduct, and the trend, clear from the decisions of the Supreme Court, to substitute *general* restraints after some years of experience have shown that narrower rulings, limited to particularly shocking facts, have not led to overall changes of police methods. In making this point, Professor Packer has focused, particularly, upon interrogation. *Second*, he examines the growing pressures for *political* restraints on police conduct; the demands for the establishment of so-called civilian review boards.

I shall deal with the first area only; particularly with the importance to "the rest of us" of police interrogation of suspects and arrestees, and what "the rest of us" might be doing in order that, for years to come, the police may be permitted, in the public interest, to continue to question suspects and persons under arrest in a fair, non-coercive fashion.

I have the temerity to discuss this narrow but vital topic with you despite the fact that the American Law Institute, as Professor Packer has pointed out, is in the midst of its own major discussions of its First Tentative Draft dealing with interrogation and other topics. One learns from the press that the District of Columbia's Judge Bazelon and others believe that the Institute's draft goes too far in permitting the interrogation of the unrepresented defendant. Although I, personally, am delighted with what the Institute has done, my own criticism is that—if anything—it has not gone far enough. Possibly my gluttony, as here expressed, may provide some added grist for the mills of the giants of the Institute.

Professor Packer's advice of "calm down" is soundly given. Calmness is desirable, but standing alone, it may not be conducive to resourceful and positive thinking. I have never been one to give the advice, "When rape is inevitable, relax and enjoy it".

And so—calmly, but not relaxedly—and fully aware of judicially imposed limitations on police existing in the year 1966, I should like to explore with you some positive action that is available to "the rest of us". The police and the courts are, necessarily, pre-occupied with what I choose to regard as "patchwork" questions: the need or lack of need for warning arrestees of their rights, and, if the need exists, which rights; the question of whether or not counsel is or is not to be present at *all* interrogations; the question of how the right to counsel may be waived, and how a judgment is made of whether or not the waiver was "intelligently" made, or whether it is not to be binding; and so on. While these questions are being argued (and I do not minimize the importance and immediacy of reaching decisions concerning them), it seems to me that now—almost two years after *Escobedo*—"the rest of us" might be spending *at least some time* on far more basic questions. More than a century ago, Henry David Thoreau observed that "There are a thousand hacking at the branches of evil to one who is striking at the root."[1] It is past time, I believe, that we spent *all* of our time hacking around, and time that we spent at least *some* of it striking at the root.

What, then, are the roots? It seems to me that there are two root questions at which we should be laboring, and these I shall discuss with you. One is a fact question; the other involves a plan of action.

The first question, the one of fact, involves the

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[1] WALDEN, ECONOMY 98 (Crowell ed. 1961).

ascertainment, *beyond all valid claims of partisanship*, of the significance of noncoercive interrogation to the administration of criminal justice in America. The second, the plan-of-action question, cannot rightly be reached until the first has been fathomed. But before this audience I shall assume (explaining, in a moment, the basis of my assumption) that a completely non-partisan survey would demonstrate continued non-coercive interrogation to be vital to the administration of criminal justice as we wish it in America. On that assumption, the plan-of-action question to be answered is how, then, do we re-create the police right to question, fairly and non-coercively, not just the poor defendant who has no attorney and the unwise defendant who is quite willing to waive such rights as he has and to answer questions, but also the wealthy defendant whose attorney is itching to get to his side, and the hardened sophisticated defendant who intends to keep his mouth shut at all costs, knowing he is within his rights in so doing?

First, as to the fact question, how do we go about ascertaining, *beyond all valid claims of partisanship*, the significance of non-coercive interrogation to the administration of criminal justice in America? Professor Packer cites a "study" announced by one eminent New York State Supreme Court Justice, Nathan R. Sobel (one of the about ninety justices of like stature of that trial court, sitting in the City of New York, and the only one to suggest as a "fact" that interrogation is unimportant); he also cites a New York Times story quoting Professor Yale Kamisar referring to figures of the Detroit Police Department. Professor Packer terms these suggestions of the *un*importance of interrogation "a welcome beginning to the long and arduous process of substituting facts for surmise and prejudice in evaluating the role of confessions in the criminal process". Had he chosen, Professor Packer might have substituted quite different "facts for surmise and prejudice". Less than three months before the Time's story quoting Kamisar citing Detroit, that same newspaper quoted New York County's nationally respected prosecutor, Frank S. Hogan, who had observed that in ninety-one homicide cases, confessions were to be offered in sixty-two (or 68% of the cases), and that in twenty-five of the cases (or 27%) the indictments could not have been obtained without the confessions.[2] Seventeen prosecutors from major cities from coast-to-coast amassed figures reflecting the importance of confessions; these figures, reported in the *amicus curiae* brief of the National District Attorneys' Association submitted to the United States Supreme Court some months ago for consideration in connection with the pending interrogation cases, reflect studies made in California, Connecticut, Florida, Georgia, Louisiana, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio and Pennsylvania.[3] Coincidentally they present a quite different picture of Brooklyn, U.S.A. and of Detroit than those in which Professor Packer places his trust.

There must, it should be obvious, be better ways, however, of resolving this controversy than by hollering "My experts and my figures can beat your experts and your figures". Considering the partisanship of the census-takers, neither the Sobel-Kamisar-Detroit figures on the one hand, or the prosecutors' figures on the other, although all were compiled with unimpeachable integrity, are to be fully trusted. The late Supreme Court Justice Felix Frankfurter observed that "It makes a great deal of difference whether you start with an answer or with a problem."[4] And, obviously, each side in this interrogation controversy—and even judges have been known to take sides—has been eager to prove, statistically and in every other way, how right it is.

Two other ways exist, however, for ascertaining the role of non-coercive interrogation in the administration of criminal justice. One involves the focusing of ordinary common sense on the problem; the other is to have a truly objective—and honestly disinterested—survey conducted.

As to common sense: Conceding that lazy police *do* exist, and that they sometimes prematurely stop trying for other evidence once they have gotten a confession, exhaustive police investigations *are not feasible* in every case. In New York City, for example, with hundreds of thousands of crimes being reported annually, the nation's largest local police force of more than 27,000 men cannot devote optimal time to each inquiry. Shortcuts *are* needed. Interrogation of suspects may save time—time that really doesn't exist. Not every burglary can be given the full Sherlock Holmes treatment, even though the police might wish it were otherwise. The only alternative to some shortcuts would be major increases in police manpower. And were the manpower and finances available, would New York

[2] N.Y. Times, Dec. 2, 1965, p. 1, col. 2.

[3] *Amicus curiae* brief of the National District Attorneys' Association, filed in the United States Supreme Court, in California v. Stewart and other cases; see particularly the forty-five page appendix reporting on surveys.

[4] Some *Reflections on the Reading of Statutes*, 47 COLUM. L. REV. 527, 529 (1947).

City be less of a police state if instead of 27,000 officers possessed of a limited right to interrogate, that city's police were barred from questioning suspects, but 54,000 of them—or 108,000 were in view at all times roaming the city's streets?

Moreover, there *are* cases meriting the most exhaustive investigation, cases in which not a pebble is left unturned, but cases that prove that sheer thoroughness is no guaranty for the production of substantial evidence. Despite uncompromising diligence, it is not rare for little *critical* evidence to be turned up until the suspect is closely questioned. Truman Capote's current best-selling non-fiction novel, *In Cold Blood*, provides a vivid example. Here was an unspeakably brutal crime—the quadruple murder of the entire Clutter family of Holcomb, Kansas—tirelessly investigated by dedicated, able, tenacious sheriffs and police, local and state, officers working around the clock, but turning up practically nothing helpful until a tip from an informer (please excuse the dirty word!) led to the two suspects, Dick Hockock and Perry Smith. Once located, skilful interrogation of each provided the entire gruesome story, corroborated *thereafter* in all its detail by further diligent investigation.

My own city of New York recently provided a similar dramatic case: the double murder of two young career girls, Janice Wylie (the niece of an eminent writer) and her roommate, Emily Hoffert. The girls' bodies were found bound together, nude, and sadistically slashed, in their expensive apartment in a doorman-guarded fashionable building; factors that served to terrify the inhabitants of our nation's largest city, most of whom lived in surroundings seemingly far more vulnerable to intruders. All that the police could do, in a skilfully conducted investigation in which no seeming lead was given short shrift, produced nothing. Ultimately, through chance circumstances having little to do with the basic investigation, *two* completely separate and unconnected defendants confessed!

The existence of the two confessions, one false and the other valid, was to prove two things: both the danger of interrogation that unfairly feeds a suspect facts and then siphons them back again, and the importance of confessions when the most thorough inquiry produces little else. The first confession was from one George Whitmore, and was the result of too eager inquiry; an inquiry that produced a defendant who had "confessed", but one whose confession was later proved to be spurious. The other confessions were from one Richard Robles, who told his story in conversations with a fellow dope addict unaware that his comrade (another of those awful informers!) was wearing a concealed tape recorder, serving as a police agent; Robles then repeated his story on direct police interrogation. After an afternoon's deliberations, despite the confusion interjected by the factor of the earlier arrest of the wrong man, a jury convicted Robles of murder in the first degree.

Even were confessions vital to only a handful of cases, when they include tragedies such as that of the Clutter family slaughter, and the equally senseless and brutal Wylie-Hoffert slaying, their use is crucial if the public is to have confidence in the law's ability to bring the guilty to the bar of justice. Eighty-five years ago the great justice, Oliver Wendell Holmes, then still a professor at the Harvard Law School, noted:

> The first requirement of a sound body of law is, that it should correspond with the acfeelings and demands of the community, whether right or wrong. If people would gratify the passion of revenge outside the law, if the law did not help them, the law has no choice but to satisfy the craving itself, and thus avoid the greater evil of private retribution.[5]

Consider, for a moment, the community reaction were some appellate court to have found the evidence against Smith and Hickock—almost all of which was the fruit of their voluntary non-coerced statements—inadmissible; or were an appellate court so to rule with regard to the killer of Janice Wylie and Emily Hoffert leaving as its remnant an untriable charge. Faith in the police would not thereby be diminished a jot; their work was the epitome of diligence and beyond reproach in its methods. But public confidence in the majesty of criminal justice—in our courts and in our laws—would, because of the fantastic public alarm over these two cases, be shaken to its foundations. Or, if that seems too strong, at least it should be conceded that such a result *would not strengthen* already sorely tried respect for law and order.

Even if Justice Sobel's figures were gospel, and even if confessions were vital in only about ten percent of the serious felony cases as he suggests, having ten percent more—or ten percent less—of our felons at large, rather than under supervision, may be the difference between "the Rest of Us" getting safely to our homes tonight, or one or two

[5] HOLMES, THE COMMON LAW 41–42 (1881).

of us being victims of crime en route. And I guarantee, as to that one or two, ten percent will seem *highly* significant statistically.

Lawyers must be careful, however, of depending too much upon ordinary common sense. It threatens to strip us of the incomprehensible mumbo jumbo that produces clients who depend upon us and who, in turn, we depend upon. I stated that there were two methods for ascertaining the significance of non-coercive interrogation to the administration of criminal justice here in America, and that common sense was one of them. The other, I suggested, was to have a truly objective survey conducted. With all the hundreds of thousands of foundation and government dollars that are being spent these days on what is known as "the crime problem", I find it incomprehensible that some dribbles have not been spent upon a dispassionate survey concerning the significance of police interrogation. Objectivity could be assured by lodging control in a board on which police, prosecutors, civil libertarians, defense attorneys, and academicians were all represented. Trained statisticians and researchers could be employed to do much of the work; I am certain that I can pledge that the nation's police and prosecutors would cooperate fully in making their files and personnel available for an objective study. Nor do I believe that such a survey would be difficult or expensive to conduct. A half dozen widely scattered cities in America, large and small, from the four points of the compass might be selected. A date—any date—could be picked. A half dozen or so serious crimes might provide appropriate data: intentional homicide, armed robbery, forcible rape, nighttime burglary of a dwelling, arson, and assault with a dangerous weapon might be a good sampling.

As to each case of each such crime, in each jurisdiction pending on the selected date, a careful inquiry would be made. What, in fact, was the evidence against the defendant? Did it include his own statement? Under what conditions was that statement taken? Was its reliability established by any corroborative evidence to which it led? Without the statement, would the evidence have been sufficient, within reasonable expectations, to prove guilt beyond a reasonable doubt. What further inquiry might reasonably have been made that was not made and that might have turned up evidence dispensing with the need for the confession or its fruits? Standards for making these judgments could be promolgated. And to minimize subjective weighting of these judgments, the field investigations might be conducted by teams of persons with both prosecution and defense bias, if no single academician, trusted by both extremes, could be found. In these days, when surveys form the basis of business expenditures of millions of dollars, and of political decisions to run or not to run, working out the bugs should not be difficult.

So much for the fact question, one of the two *roots* at which I suggested we must strike. Being unable to await the results of such a survey before giving the balance of my talk here today, before discussing my plan-of-action with you, I must make assumptions as to its outcome.

Were a survey to demonstrate that interrogation was not important, that it was, at best, a substitute for lazy police work, that were the police, like Avis, to *try harder* (within the realm of reason, that is), ours might truly be an accusatory system, one not dependent upon interrogation at all, then I should be the first to say, "So be it!" It would then be time to stop toying with the peripheral questions: with advice of rights, and warnings, and waivers. It would then be time that we banned *all* use of interrogation, whether for evidence or for leads. Frankly—and I hope this will not surprise you—I do not anticipate that result. And so I shall indulge the other assumption: that such a survey would confirm that there is today no reasonable substitute for non-coercive interrogation of suspects and defendants if evidence of guilt, sufficient to convict the guilty, is to be forthcoming in most serious cases in which police attention focuses upon a seeming perpetrator.

What, then, is to be the plan-of-action to recreate the police right to question, fairly and non-coercively, *all* defendants, wealthy and poor, those with attorneys and those without, the wise silent ones and their foolish talkative brothers-in-crime?

If the right to question *is* necessary, and is to be perpetuated, I am convinced that *it must* ultimately be that broad. To perpetuate anything less would be to engage in a charade just this side of the fraudulent. The American Law Institute, in its admirable proposals concerning pre-arraignment procedures, suggests that non-coercive interrogation is in order, providing that a defendant, fully warned of his rights, waives his right to remain silent in "making a choice that he will cooperate."[6] But we—prosecutors, police, judges, professors, defense attorneys, yes, and all "the rest of us"—know that it is rare that a talking defendant (par-

[6] MODEL CODE OF PRE-ARRAIGNMENT PROCEDURE, Comment at xxiii, 27 (Tent. Draft No. 1, 1966).

ticularly one whose guilt is crystal clear to himself and to God and to no one else) can do anything by his responses other than to strengthen the case against himself. Therefore, as is universally acknowledged, defense lawyers almost invariably will insist that their clients say not a word.

To speak, then, in terms of *voluntary waiver* is to engage in euphemism; what we are really discussing is a waiver by stupidity, or a waiver by reason of poverty (a waiver that follows from the lack of counsel). Anatole France similarly commented that "The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread".[7] When it is only likely to be the poor, the stupid, or the inadequately advised (those *not* advised by counsel with loyalties running solely to the accused) who exercise that "free choice" and talk with the police, it is no *real* choice at all. Certainly it is not one to be perpetuated *interminably* in a nation that has developed a line of confession and guilty plea cases designed to protect stupid defendants,[8] and at least a pair of landmark decisions intended to protect their threadbare cousins.[9]

Some way must be found for *truly* treating all alike, rather than accepting—calmly—inequal results, and salving our consciences with the claim that it is "free choice" that self-inflicts any inequalities.

If non-coercive interrogation is vital to the effective administration of criminal justice, then what is needed is some method that will subject *all* to it equally, compelling all defendants to answer reasonable inquiries or to refuse to do so at their own peril. Also to be needed, of course, will be adequate safeguards against interrogation methods that rile our sense of fairness or tend to produce untruthful confessions.

As the Constitution has been recently interpreted—and "the Constitution *is* what the judges say it is"[10]—defendants *cannot* be compelled to answer inquiries, reasonable or not, nor can they be placed in peril for having failed to do so. Whether or not the wording of the fifth amendment, and that provision's application to the states, has previously seemed that lucid is irrelevant; the Supreme Court has now made this perfectly clear as a matter of constitutional doctrine, and has done it so effectively as to preclude any substantial possibility of back-tracking. *Malloy* v. *Hogan*,[11] *Murphy* v. *Waterfront Commission of New York Harbor*,[12] *Escobedo* v. *Illinois*,[13] and *Griffin* v. *California*[14] are the cases that remove this from the realm of purposeful argument.

The only means, then, of re-establishing a police right to interrogate rich and poor alike, worldly and naive, is by means of a constitutional amendment. Such an amendment would *not* repeal the fifth amendment, but would create a carefully circumscribed exception to it in order to authorize fair interrogation of *all* defendants, and to back-up this authorization by creating some obligation to respond thereto or to bear such peril as the law might impose upon a suspect or a defendant for his silence. Professor Packer's paper has observed that the rules of criminal procedure have become "constitutionalized". If they are proved to be in need of further change, why not come directly to grips with the difficulties by "constitutionalizing" our revisions?

It is obvious that we will not amend the fifth amendment today, nor in the next hundred days; but let us begin a national colloquy concerning it. Let us face clearly that, without revision, we must either adopt a ban on all interrogation, or continue for an indefinite time one that is inequitable in its practical application. Candor compels this recognition. I recommend no specific amendatory language here and now. I am hopeful that some may emerge after colloquy and full study. In urging amendment, I am well aware that the privilege against self-incrimination has become hallowed. But I am also aware that Justice Holmes reminded us that "It is one of the misfortunes of the law that ideas become encysted in phrases and thereafter for a long time cease to provoke further analysis".[15] I therefore urge the importance of getting behind the tinsel and examining the idea that lies beneath it. The privilege against self-incrimination, having been born in an age of torture and the Star Chamber, is no longer the only

[7] Quoted in VANDERBILT, LAW AND GOVERNMENT IN THE DEVELOPMENT OF THE AMERICAN WAY OF LIFE 16 (1952).

[8] See, e.g., McNabb v. United States, 318 U.S. 332 (1943); Fikes v. Alabama, 352 U.S. 191 (1957); Moore v. Michigan, 355 U.S. 155 (1957); Spano v. New York, 360 U.S. 315 (1959).

[9] Griffin v. Illinois, 351 U.S. 12 (1956); Gideon v. Wainwright, 372 U.S. 335 (1963).

[10] Address, May 3, 1907, at Elmira, New York, by New York State's then Governor, Charles Evans Hughes, later Chief Justice of the United States.

[11] 378 U.S. 1 (1964).

[12] 378 U.S. 52 (1964).

[13] 378 U.S. 478 (1964).

[14] 380 U.S. 609 (1965).

[15] Hyde v. United States, 225 U.S. 347, 391 (1912).

method of forfending against unconscionable questioning in these days of closed-circuit television, magic eye motion picture cameras, and teen-age use of tape recorders. Taping statements has been recommended by the American Law Institute.[16]

Moreover, the meaning of the privilege has been gradually expanded; it now far exceeds its original bounds. The 1965 ban—articulated by five of the Justices in *Griffin* v. *California*[17]—upon a trial judge's comment to the jury on a defendant's failure to testify (comment then authorized under California's *constitution*) is its most recent accretion. Concerning that development, Justice John M. Harlan, concurring, commented:

> ... I am free to express the hope that the Court will eventually return to constitutional paths which, until recently, it has followed throughout its history.

His associate, Justice Byron R. White, added:

> I think that the Court in this case stretches the concept of compulsion beyond all reasonable bounds....

I quote these disagreements, not by way of quarreling with the *Griffin* decision, but to point to the fifth amendment's heretofore *one-way* stretch, and to suggest that sacrilege is not necessarily involved in—by constitutional amendment—restoring it to something that may more closely resemble its initial shape.

Now only do some other highly civilized countries lack the privilege against self-incrimination, but this law school's immortal dean, John Henry Wigmore, while favoring that it be retained to prevent the browbeating of the innocent, urged that we "not worship it blindly as a fetish", and that it "be kept within limits the strictest possible".[18] A former Chief Judge of New York's highest appellate court and probably its greatest, Benjamin N. Cardozo, who later became a Supreme Court Justice, said of the privilege:

> This too might be lost, and justice still be done. Indeed, today as in the past there are students of our penal system who look upon the immunity as a mischief rather than a benefit, and who would limit its scope, or destroy it altogether. No doubt there would remain the need to give protection against torture, physical or mental.... Justice, however, would not perish if the accused were subject to a duty to respond to orderly inquiry.[19]

I fail to see what—other than tradition and an existing provision in an amendable Constitution—is patently unreasonable in expecting us to be prepared to explain our actions, or to risk some consequences for not having done so. At least some serious discussion of amendment seems in order. And it should be possible to carry it on without attack, direct or implied, upon the Supreme Court. Just as it is the responsibility of Supreme Court Justices to interpret the Constitution, it is the responsibility of "the rest of us" to initiate revisions when we deem them appropriate.

We live in an age when crime is of burgeoning concern, taking an increasing toll of life and of safety. This is also an age when, increasingly, the individual is called upon to yield personal rights in the public good. Taxes of all kinds are exacted, whether or not we are happy about paying them. Mandatory military service is imposed upon our youth, and death on the battlefield is risked, to protect our democratic institutions in distant lands. Businessmen are obliged to subordinate their self-interests to the anti-trust laws, minimum wage laws, food and drug laws, and hosts of other proliferating regulations. Until 1957 and the *Mallory* case,[20] non-coercive police interrogation was taken for granted, even though we spoke of ours as an accusatory system. Should we, by constitutional amendment, revert to reasonable questioning—and to the citizenry's obligation to respond thereto, who is to find it inconsistent with our American way of life?

Having said this, let me concede that I may be dead wrong. Most thinking persons may deem it unreasonable to restore the right to question *all* persons, non-coercively, those with counsel as well as those without. But whether it is reasonable or is not seems to me to be worthy of some debate. This meeting, I am hopeful, may assist in sparking such a dialogue.

Hopefully, concurrently with such a dialogue, lawyers might try their hands at possible amenda-

[16] MODEL CODE OF PRE-ARRAIGNMENT PROCEDURE §4.09(3).
[17] 380 U.S. 609 (1965).
[18] 8 WIGMORE, EVIDENCE §2251, pp. 317–18 (3d ed. 1940).
[19] Palko v. Connecticut, 302 U.S. 319, 325–26 (1937).
[20] Mallory v. United States, 354 U.S. 449 (1957).

tory language, and possible narrow statutes that such constitutional change would authorize. How could the fifth amendment and our laws be modified to assure that questioning would be fairly conducted, with no physical or psychological coercion other than the knowledge that the law required responses to reasonable inquiries? I can make no firm recommendations, other than to note some—not all—of the alternatives that readily come to mind. Possibly questioning should be conducted by or in the presence of some public official, be he termed judge, commissioner, or the newly popular "ombundsman". Possibly, as the American Law Institute has suggested, statements should be usable only if taped, or even filmed. Perhaps responses to reasonable inquiries should be mandated under penalty of some form of contempt. Or, it may be, that the penalty should simply be the hazard of lawful comment to the trial jury on a defendant's failure to respond. Possibly a declaration of a duty to respond to reasonable questioning might be bolstered by canons declaring it unethical for counsel to advise a suspect or defendant not to answer. Fertile imaginations, I am sure, will produce other means that might, by constitutional amendment and legislative action, oblige responses by *all* to reasonable interrogation, without endangering either reliability or fairplay.

A number of highly respected persons are presently deeply engaged in studies of our criminal procedures. Apart from the courts, the law school faculties, and the leaders in legal thought of the American Law Institute, there are the distinguished members of the President's Commission on Law Enforcement and the Administration of Justice, and those of the American Bar Association Endowment's project who are so ably headed by federal Judge J. Edward Lumbard. I am hopeful that each of these bodies will *not* find the Constitution, as presently interpreted, to be the water's edge at which their efforts must stop. Certainly a field statistical study of interrogation under the auspices of any such body would command national respect. And recommendations for constitutional amendment, were their propriety to be indicated by such a study, coming from any one of these bodies could not fail to create reverberations felt coast-to-coast. Such reverberations would create some sympathetic, and some hostile, echoes. But voluminous and intense discussion of constitutional amendment throughout the land is, I believe, precisely what is needed.