tinction between an admittedly valid detention upon 'reasonable ground to believe' and the requirement of § 1902 of 'reasonable ground to suspect' is a semantic quibble. We point out that in *Wilson* v. *State*, in referring to the arrest of the defendant, we said, 'Nor can it be doubted that the arrest was legal, that is, upon reasonable suspicion of felony' [citing case]. In this context, the words 'suspect' and 'believe' are equivalents." [Bracketed language added.]

A somewhat similar result was reached in the Rhode Island case of *Kavanagh* v. *Stenhous* (174 A. 2d 560 (1961)), in which the Supreme Court, after quoting with approval *De Salvatore* v. *State of Delaware*, supra, made the following statement:

"The plaintiff, however, contends that since the pertinent language is '* * * whom he has reason to suspect is committing, has committed, or is about to commit a crime * * *' the test could only be subjective, since it represents nothing more than a mere suspicion entertained by the officer. This contention misconceives the purpose of 'reason to suspect' as it appears in the context. *These words are connotative with grounds for belief as distinguished from mere suspicion.* It is for the jury [in an action for false arrest] to determine from all of the evidence whether in the circumstances the detaining officer was warranted in concluding that reasonable grounds did exist. His conclusion must find justification in the minds of the jury." [Italic and bracketed language supplied.]

It appears, therefore, that in two of the three States which have adopted the so-called Uniform Arrest Act, from which subsections (a), (b), and (c) of section 301 are derived, the highest courts of those States have held that the phrase "reasonable ground to suspect" (in Delaware) and "reason to suspect" (in Rhode Island) are tantamount to "reasonable ground to believe," that is, probable cause. Assuming this to be so, the Commissioners are of the view that the so-called Uniform Arrest Act is unnecessary, in view of the fact that the Metropolitan Police already possess the power to make arrests on the basis of probable cause. However, if the phrase "reasonable ground to suspect" connotes something less than probable cause, and is intended to authorize "arrests for investigation," then the Commissioners are of the view that the provisions of section 301 do not conform with the requirements of the fourth amendment.

As reasons in support of their belief that arrests for "investigation" and the detentions authorized by section 301 are unconstitutional, the Commissioners adopt, in part, the following considerations advanced by its committee on police arrests for investigation:

1. Such arrests cannot be reconciled with the fourth amendment to the Constitution of the United States in that there is not a requirement of "probable cause" and that they permit the police to subjectively determine whom to detain, and for how long and under what circumstances, without the participation of a judicial officer at any stage.

2. Such arrests deny to the person so detained the opportunity to secure his liberty by seeking bail or by posting collateral.

3. Such arrests may permit the person so detained to be held incommunicado and thus, in effect, denied the right of habeas corpus.

4. Such arrests deprive the person so detained of the right to have the assistance of counsel.

5. Such arrests tend to impair the right of the person, under the fifth amendment to the Constitution, not to be compelled in any criminal case to be a witness against himself.

With respect to section 302 of the bill, the Commissioners recognize the desirability and practical necessity of securing the appearance of material witnesses, under the particular circumstances outlined in such section. However, the Commissioners are again opposed in principle to any provision which would authorize the detention of any person as a prospective material witness for a maximum period of 6 hours without presentment before a judicial officer. The Commissioners are of the view that such persons should be subjected to even less restraint on their physical liberty and freedom than those formally charged with crime, and that they should in all cases be permitted to appear immediately at the beginning of their detention before a judge or commissioner for the purpose of determining whether they are, in fact, necessary and material witnesses and, if necessary to secure their appearance at trial, an opportunity to post bond or deposit collateral.

However, the Commissioners prefer that the Congress consider, as a replacement for section 302 of H.R. 7525, their draft bill forwarded to the Congress on March 12, 1963, and introduced as S. 1148, a bill to amend the law relating to material and necessary witnesses to crimes committed in the District of Colum-