

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER N. TOBBINER,
President, Board of Commissioners, District of Columbia.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C., September 12, 1963.

Hon. ALAN BIBLE,
*Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter, written on behalf of the Council on Law Enforcement in the District of Columbia, is in response to a letter request dated August 20, 1963, of Mr. Chester H. Smith, staff director of your committee, that the council submit its views on H.R. 7525.

Of course, no form of words which purports to represent the corporate view of the council can accurately reflect every precise shade of the views of all individual members, or all of the reasons that support those views. Therefore, the most feasible means of conveying the council's views is to report the action that the council has voted on each section of the bill and the principal reasons on which most of the council's members were agreed.

The report of the council's action will be broken down by titles of the bill:

TITLE I

This title represents a change in the so-called *Mallory* rule in the courts of the District of Columbia. Since the views of the council on the *Mallory* rule and proposed changes in the *Mallory* rule were voted at a special meeting of May 6, 1963, and communicated to the chairman of the House Committee on the District of Columbia, the council thought it best to rest upon that action, and accordingly the council invites your attention to our attached advice to the House committee.

TITLE II

A majority of the council members present voted to recommend against enactment of title II of the bill, with the reservation that the council should express no view on the standards and procedures governing release from mental hospitals of persons committed there following acquittals by reason of insanity, until a study of this question can be made by the council. This reservation relates to subsection (h) (2)-(5) on pages 10-13 of the bill. So far as the council's action relates to the *Durham* rule and the standards governing acquittal or conviction in criminal cases in which the insanity defense is interposed, the main reason governing the council's action is that the standards of the *Durham* rule have already been sharply modified in *McDonald v. United States*, 312 F. 2d 847 (1962), which goes far in the direction taken by the bill. Accordingly, a majority of the council felt that the courts, showing a disposition to make important and desirable changes in the *Durham* rule, should have an opportunity to consolidate a judicial solution of the problem, a solution which has moved far in a promising direction.

TITLE III

A majority of the members present voted to recommend against enactment of section 301 of title III. A majority of the members felt that this section is merely a reinstitution of arrests for investigation which are not consistent with the provisions of the fourth amendment to the Constitution of the United States.

With respect to section 302, a majority of the members of the council present voted to recommend that this section should be enacted, but with amendments which the council understood were being recommended to your committee by the Department of Justice and the Commissioners for the District of Columbia.

TITLE IV

A majority of the members present voted to recommend that title IV should be enacted.