

TITLE V

Section 501, 502.—A majority of the members present voted to recommend against enactment of these two sections. The principal reason governing this action was the opposition of the majority of the members to mandatory minimum sentences, which, it is felt, take away from the courts a desirable degree of discretion and flexibility in suiting particular sentences to the particular circumstances of the individual offense.

Section 503.—A majority of the members present voted to recommend against enactment of section 503. This section would add very substantially to the severity of a mandatory minimum sentence already contained in District of Columbia Code 22-2901, and the attitude of the members set forth just above applies here as well.

Section 504.—A majority of the members present voted to recommend against enactment of this section.

Section 505.—A majority of the members of the Council present voted to recommend against enactment of this section, since, like sections 501, 502, and 503, this section restricts a desirable flexibility in sentences that may be imposed by sentencing judges.

Section 506.—A majority of the members of the Council present voted to recommend against enactment of this section.

Section 507.—A majority of the members of the Council present voted to recommend against enactment of this section, for the reason referred to above in connection with sections 501, 502, 503, and 505.

Section 508.—A majority of the members of the Council present voted to recommend against enactment of this section. The increase in the sentence beyond that contained in existing law (police regulations, are 19, sec. 5) governing false reports to the police would convert this offense from one triable without a jury and normally disposed of by fine to one requiring jury trial. District of Columbia Code 11-715(a). Considering the frequently minor character of such offenses, and the congested state of the trial calendar in the jury branch, District of Columbia court of general sessions, the members were of the view that the interests of law enforcement would not be served by this amendment.

This action of the Council was voted at a meeting on September 10, 1963. In the absence of our chairman, Mr. Clemmer, owing to hospitalization, the undersigned acted as chairman of that meeting and is transmitting this letter for the Council.

Sincerely yours,

DAVID C. ACHESON,

Vice Chairman, Council on Law Enforcement in the District of Columbia.

Enclosure: Copy of letter to Chairman McMillan dated May 7, 1963.

COUNCIL ON LAW ENFORCEMENT
IN THE DISTRICT OF COLUMBIA,
May 7, 1963.

HON. JOHN L. McMILLAN,
*Chairman, Committee on the District of Columbia,
U.S. House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: The Council on Law Enforcement, District of Columbia, has studied the *Mallory* matter over the years and most recently during special meetings on April 29 and May 6.

You are respectfully advised that at yesterday's meeting, the Council voted 9 to 1, with one abstention, in favor of modifying the present *Mallory* definition by legislation. The Council does not endorse any particular bill nor offer argumentation since extensive hearings have been held and many of the members of the Council have testified in their official and independent capacities. We have thought it sufficient to express the collective view of the Council by simply advising you of the vote that modification of *Mallory* seems indicated to us.

For your ready reference, a copy of the statute creating the Council is enclosed together with the names of present members and their vote on *Mallory*.

Sincerely,

DONALD CLEMMER,

Chairman (Director of Corrections, District of Columbia).

Enclosure.