

MALLORY AND DURHAM RULES, INVESTIGATIVE ARRESTS AND AMENDMENTS TO CRIMINAL STATUTES OF DISTRICT OF COLUMBIA

TUESDAY, OCTOBER 15, 1963

**U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.**

The committee met, pursuant to recess, at 10:05 a.m., in room 6226, New Senate Office Building, Senator Alan Bible (chairman) presiding.

Present: Senator Bible.

Also present: Chester H. Smith, staff director; Fred L. McIntyre, counsel; Martin A. Ferris, assistant counsel; and Richard Judd, professional staff member.

The CHAIRMAN. The committee will come to order at this time for the commencement of the hearing on title II of H.R. 7525.

Our first witness this morning will be Maj. Robert V. Murray, Chief of Police of the District of Columbia.

Chief Murray?

STATEMENT OF ROBERT V. MURRAY, CHIEF OF POLICE, DISTRICT OF COLUMBIA; ACCOMPANIED BY JERRY V. WILSON, CAPTAIN, POLICE DEPARTMENT, DISTRICT OF COLUMBIA

Chief MURRAY. Mr. Chairman, I have a very brief prepared statement which I would like to read—first, I would like to say that I have with me Captain Wilson.

The CHAIRMAN. Happy to have you present, Captain.

You may proceed, Chief Murray.

Chief MURRAY. Mr. Chairman, I am informed that today the Senate Committee on the District of Columbia is examining only title II of H.R. 7525, which is intended to apply to criminal cases in the District of Columbia and to replace the test of criminal responsibility stated for the District of Columbia in the *Durham* decision.

The *Durham* decision I think has had a detrimental effect on overall law enforcement in this city; however, the provisions of that decision are not directly applicable to police activities and are not encountered in the criminal processes until the case actually goes to trial. Therefore, I believe that Government recommendations on the *Durham* decision and on proposed remedies such as title II of H.R. 7525 should more appropriately come from the U.S. attorney than from the Chief of Police.