

ATTACHMENT 1

**Report of the Special Committee for Consideration
of the Rule in Killough's Case and Related Matters**

March 7, 1963

Thomas S. Jackson, Esquire
President
Bar Association of the District of Columbia
1044 Washington Building
Washington 5, D. C.

Dear Tom:

This letter and the enclosures constitute the report of the above committee.

We agree unanimously that the decision of the United States Court of Appeals for the District of Columbia Circuit in *Killough v. United States*, U.S. App.D.C., represents merely an application of the McNabb-Mallory rule and as such does not merit prolonged attention. Some of us are of the opinion that the Court of Appeals overturned too readily the finding of the trial judge that there was no casual connection between the two confessions but we do not think that any legislative or other corrective action is called for in this regard.

We have construed our appointment as requiring us to go further than a consideration of the Killough case itself and have conducted our proceedings accordingly. The problem that faces the community arises out of the necessity of reconciling protection of individual rights with the public interest in adequate law enforcement. The nature of the problems that arise and the division of opinion that inevitably results are well illustrated in the decision of the Supreme Court of the United States in *In Re Groban*, 352 U.S. 330, 1 L.Ed.2d 376, 77 S.Ct. 510 and *Anonymous v. Baker*, 360 U.S. 287, 3 L.Ed.2d 1234, 79 S.Ct. 1157, in each of which the Justices divided five to four. After consideration of what we deem all of the relevant factors, the undersigned recommend that the Bar Association of the District of Columbia sponsor the enactment by Congress of the three bills that are attached.