

In the case of any witness detained by an officer other than an officer or member of the Metropolitan Police force, the District of Columbia shall be reimbursed for the accommodations furnished such witness at rates to be determined by the Commissioners."

Sec. 2. District of Columbia appropriations shall be available for carrying out the purposes of this Act.

March 12, 1963

MEMORANDUM for Board of Directors
Bar Association of the District of
Columbia

Re: KILLOUGH COMMITTEE

This memorandum supplements the Committee's report dated March 7, 1963.

The first bill referred to in the report, entitled "A bill to provide for the admission in evidence of certain confessions in criminal cases in the District of Columbia" would accomplish two purposes. Paragraphs 1 and 2 would amend the McNabb-Mallory rule and would restore the law more or less to the situation that existed prior to the Supreme Court's adoption of the exclusionary rule as its chosen method of enforcing the injunction of Rule 5 (a) of the Federal Rules of Criminal Procedure that an officer making an arrest shall take the arrested person "without unnecessary delay before the nearest available" judicial officer. These paragraphs 1 and 2 are substantially the same as those approved by the Judicial Conference at its session on May 8, 1958.

Paragraphs 4 and 5 of the proposed bill are intended to provide an alternate method for policing and enforcing the mandate of Rule 5 (a) quoted above. They incorporate a suggestion made by Judge Burger in his dissenting opinion in *Killough v.*