

person shall have been previously advised of his right to remain silent and that any statement made by him may be used against him.

It was pointed out that the implications of the *McNabb-Mallory* rule have been discussed in the committee, within subcommittees, and informally during the last few years. No member of the committee was aware of any new development which he deemed sufficiently significant to merit renewed discussion.

Mr. Evans moved that the committee recommend that H.R. 1930 be opposed. Fourteen members voted in favor of the motion, Mr. Daly dissented; Mr. Braun abstained.

III. THE 6-HOUR BILL

Mr. Pye invited the committee's attention to the so-called 6-hour bill, which apparently had been referred to the special committee appointed to consider the *Killough* decision, but had not been referred to this committee.

This bill, in substance, provides that when a police officer has "good cause" to believe that someone may have information concerning a crime, the prosecuting attorney may ask a judge to issue a subpoena directing the respondent to appear forthwith. At that time the court has the obligation to inform the respondent that he is not required to incriminate himself. Respondent then may be committed to the custody of the police and may be held by the police at someplace other than the precinct for a period not to exceed 6 hours. During this period of time he is subject to interrogation. If he does not answer questions and fails to rely on his privilege against self-incrimination, he may be held in contempt. A transcript of his interrogation is required.

Several observations were made concerning the bill. (1) Evasion of the *Mallory* rule is made simple subpoenaing the suspect instead of arresting him where there is probable cause; (2) there is strong reason to think that it is unconstitutional to detain a suspect where there is no probable cause to believe that he has committed a crime; (3) there is strong reason to believe that it would be unconstitutional to hold a suspect in contempt for failure to answer when he had been interrogated in secret without the aid of counsel to inform him whether the fifth amendment may be properly asserted; (4) it is undesirable to permit such a drastic change in the structure of American law as would occur through judicial intervention for the purpose of permitting secret interrogation of citizens without counsel under pain of contempt.

Mr. Pye moved that the committee recommend that the association oppose the bill. Fifteen members voted in favor of the motion; Mr. Daly dissented.

The committee considered several other bills submitted to it for consideration. A report in these matters will be submitted in the near future.

Mr. Evans moved as follows:

The vice chairman is directed to transmit the report of the committee with reference to H.R. 1929, H.R. 1930, and the 6-hour bill to the president and the board of directors.

The vice chairman is directed to request that the president refer the report to such persons as he directed the report of the special committee and in the same manner as he directed that report in order to dispell the apparent impression that there is almost complete unanimity within the association with reference to these matters.

The vice chairman is further directed to request the president to bring the disagreement between the special committee appointed by him and this standing committee of the association to the attention of the association at the earliest possible time in order that these matters may be considered by the full association.

The motion passed unanimously. The committee was adjourned at 5:30 p.m. Respectfully submitted.

A. KENNETH PYE, *Secretary*.