

Let me repeat that it is not my contention that these cases reflecting the "conviction" and "clearance" philosophies are necessarily representative of general police attitudes in this city. They are selected from one man's experience and cannot be regarded as a meaningful sample. But they certainly are sufficient to make me feel very uncomfortable when a committee report speaks of reliance upon police discretion to protect the innocent. I would also repeat that there are large areas of this city in which I am afraid to walk alone, day or night, because of the criminal element. And I want action to remedy the situation. But I prefer additional men on the beat to increased police authority and discretion. And in the absence of any action I am not so frightened as to commit my freedom to the benign discretion of a benevolent police force.

Before leaving the committee report concern for the innocent, there is one further comment to be made. This bill will not eliminate the problem caused by police records of charges which have been dismissed. When the investigative arrest was still practiced, I once had a case in which the question of whether the prosecution would go forward or be dropped depended upon the police check of his investigative arrest record to see if his past arrests for investigation had been for the same offense. The only way to eliminate the enduring stigma of an arrest record is to provide that no record at all of the detention be made—no booking or any other notation. If this were done the citizen would be completely in the hands of the police. There would be no record of when he was picked up or why. We would be helpless. I have always assumed that one purpose of such records was to protect the arrestee. For my part, I would prefer the protection to the absence of stigma.

Finally, I'd like to say something about that famous telegraphic message to the underworld that "Washington is soft on crime." It is simply incredible to me that any responsible person would be willing to make this statement in view of readily available facts which demonstrate its falsity. The U.S. Bureau of Prisons statistics show that the sentences meted out by our courts are among the stiffest in the Nation, second only to Illinois. And the probation rate is among the lowest. Also there is a strict parole policy. When the strict parole policy is combined with the sentence imposed, one can make a meaningful judgment as to which jurisdiction keeps its convicts in prisons for the longest terms. In this, the District of Columbia is second to none. Our convicts serve more time than similarly situated convicts in any other jurisdiction.

When these facts are compared with the high conviction rate: a rate in excess of 90 percent in felony cases and, I believe, something around 80 percent in misdemeanor cases, it seems clear that our courts can not legitimately be charged with mollycoddling criminals.

Thank you.

Mr. SHADOAN. Thank you, Senator.

In this statement, I have attempted to select some of the most telling quotes from Police Chief Murray and other law enforcement officials, that from their own words demonstrate the inconsistency and conflict of the positions they have taken with reference to this problem.

One moment we are told there will be a complete breakdown in law enforcement if the *Mallory* decision stands, and a few years later we are told in another posture, and for another reason, by the same voice, that after all we face as a matter of fact—in the executive session held earlier this year—Police Chief Murray said after all we face the same problems as other cities, and our crime clearance rate is second to none.

I won't go into this, because what I have to say really does not rest upon the weakness or inconsistencies of the proponents of this bill.

I would like to suggest to the committee some facts which I believe tend to establish three points.

The first is that measures allowing an arrest without probable cause and subsequent detention and interrogation without the presence of counsel or presentment before a magistrate will not significantly aid the police in securing convictions of the guilty.

Now, I realize this is a most extreme sort of police freedom. I am not speaking about this bill. But even if we had that, I would like to