

police; that is not their concern. They are concerned with if they have enough evidence.

I believe, as I have said—I believe the conviction policy I spoke of is fairly limited. I do not believe that is widespread. I like to think it is not, anyway. The clearance policy I believe is widespread.

The CHAIRMAN. Thank you very much. I certainly appreciate your appearance.

We will stand in recess until 2 this afternoon.

(Whereupon, at 11:55 a.m., a recess was taken until 2 p.m., the same day.)

AFTERNOON SESSION—2 O'CLOCK

The CHAIRMAN. The committee will come to order.

We are delighted to have you as a witness today, Senator Ervin. We know of your great interest in this field, the Committee that you Chair in the Judiciary Committee.

Yesterday we started our examination of title I and had briefly taken a look at title II, so-called *Durham* rule. We have also in the same instant hearing taken a look at title III on the question of investigative arrest.

We are looking forward to your testimony with a great deal of interest.

We are attempting to work in a very difficult area, as you well know.

STATEMENT OF HON. SAM J. ERVIN, JR., A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator ERVIN. Mr. Chairman, I certainly appreciate the opportunity to appear before this committee. I regret that I was a little late. I had to appear before another committee at 2 o'clock over in the Capitol.

The CHAIRMAN. I appreciate you taking time out of such a busy schedule.

Senator ERVIN. Mr. Chairman, I appreciate this opportunity to testify before the District of Columbia Committee on H.R. 7525, a bill designed to reduce crime and revise criminal procedures in the District of Columbia.

I would like to confine my remarks today primarily to titles I, II, and III. These concern, respectively, the *Mallory* rule, the *Durham* rule, investigative arrests, and detention for questioning material witnesses. The Subcommittee on Constitutional Rights, of which I am a member, has considered each of these subjects in connection with its continuing investigation of the administration of criminal justice, and all three were dealt with in detail during the subcommittee's hearings on "Confessions and Police Detention" and on "Constitutional Rights of the Mentally Ill: Criminal Aspects."

TITLE I

The *Mallory* rule and rule 5(a) of the Federal Rules of Criminal Procedure are subjects which have long been of great concern to me. It is my feeling that the crime rate in the District will continue to mushroom and effective law enforcement here will continue to be frustrated until legislation such as that contained in title I is en-