

and there are a couple of people from Fifth Street engaged in regular representation, and there was a substantial number of U.S. attorneys.

But the vast majority of these people were ordinary practitioners in the District and they came out and studied the matter and reached the conclusion that it was the better part of valor not to attempt to interfere with rules of evidence which had been proclaimed by courts of competent jurisdiction. The press reported it as being a 4-to-1 vote. My personal belief is that it was closer to 3 to 2 against it.

These matters are of concern to everyone who is involved in criminal processes. The American Law Institute has commissioned a study which will spend \$250,000 studying the purposes of arrest, detention, search, and seizure during the next 2 years and the program is under the direction of Professor Sullivan, of the Harvard Law School, and an associate professor, Prof. Edward Barrett, of the University of California Law School. Hopefully, they will come out with some kind of a solution so that we will not be put into a position where we can simply say that *Mallory* should not be retained but we simply don't have any alternative to provide.

Now, I think there are some things that can be done in the District of Columbia at the present time to materially improve the administration of criminal justice and to assist the police. Obviously, the ultimate practice will depend upon matters which Professor Kamisar has described—we have got to do something about venereal disease, broken homes, discriminations, all of these other factors which are really within the purview of the factors of crime—but this is going to be 20 years from now.

During the next 5 years we will suffer from the fact that the District of Columbia only had one juvenile court judge at a time when our new criminals were being bred and we will also suffer from the school dropout rate. But we can do something.

One of the things that we can do is to engage in the kind of work that was begun by Dr. Gasch and continued by Mr. Acheson, instructing police in what they can do legally and how to do it effectively—the so-called prearrest interrogation technique in which, instead of putting the defendant under arrest and bringing him down to the headquarters to interrogate him there, you interrogate where you find him, on the street, and the only occasion that it is necessary to bring him down is when he won't answer and experience has shown that most people do answer.

You have the possibility here that the defendant will confess to something that he didn't know before, if he attempts to evade, being told that this evasion constitutes probable cause to justify his arrest, and a great deal more can be done in this area that has not been done before—it would probably be more convenient to the police officer to take him downtown and interrogate him in police facilities, rather than on the street—

The CHAIRMAN. I wonder if you could develop that point a little bit. This seems to be very similar to what Professor Kamisar discussed in his testimony.

Mr. PYE. Well, the law is unclear in this, Senator, because it is as yet just evolving as the result of, among other cases, the *Henry* case. The idea is this, that the police officer, when he sees someone who is behaving suspiciously or sees someone who is under investigation, his