

and this is particularly true where we know that 17 of the 19 were Negroes.

We cannot, I think, realistically avoid the fact that passage of this bill has grave racial overtones. If the records of arrests in the District of Columbia are reviewed, you will find a very high percentage of the people who were arrested are Negroes and what this bill will do is to permit the unlawful detention of these Negroes with no effective sanction against the police. I do not think any other alternative is clear, except for the fact that this will breed the kind of a feeling of discrimination and the kind of disrespect for law and law enforcement which is extremely dangerous to the entire community and I regret that I have to say this and it would not be true, perhaps, in another jurisdiction.

But this bill only applies to people who are unlawfully detained—and they are Negroes and already a white attorney who is researching the problem—cases in the 2d precinct and the 9th precinct and the 13th precinct—he says that he cannot get Negroes to assist him because once a Negro knows that he is connected with the law he has an attitude of “you are my enemy.”

The arrest and investigation point is the beginning point to try to expel this attitude and to try to create a real equality before the law, which, hopefully, will result in a greater sense of civic responsibility and more respect for the institutions of the law, and to permit these unlawful detentions of these individuals will just be moving in the other direction. Thank you.

The CHAIRMAN. Thank you. You have certainly made a splendid statement and your presentation is among the best that I have heard in many a day.

Now, I would like to get back to one question that was prompted by the suggestion made by Mr. Katzenbach in his official report on H.R. 7525 on page 4 in the second paragraph where he says:

As an alternative to H.R. 7525, we call your attention to the provisions of H.R. 7526 which was prepared by the U.S. attorney for the District of Columbia. Under H.R. 7526, a confession elicited after arrest could not be received in evidence unless the defendant had been advised of his right not to make a statement and that any he did make might be used against him; given an opportunity to notify a relative or friend and consult with counsel, and, when reasonably possible, interrogated in the presence of an independent witness or a recording device and presented to a magistrate no more than 6 hours after arrest.

This is the point I want to make. As I understood, part of the thrust of Professor Kamisar's statement was that we do not quite know what goes on during the period of interrogation, we cannot be quite sure whether inducements were offered or whether threats were made, but if you had an official recording, then you would have a record of that interrogation which would show whether it was legal or illegal.

Mr. PYE. Well, let me just say that I have not had a chance to study the bill as closely as I would have liked to, but that particular provision I would have no personal objection to if it were amended to provide, where he could not retain private counsel, counsel will be appointed for him. To inform him that he has a right to counsel is meaningless in 70 percent of the cases tried in this jurisdiction, and if we are going to implement this by providing counsel for him, then I have no objection to it.