

of sight or leave town to avoid their civic responsibilities. Such parties may, of course, be compelled to attend court and testify in a criminal trial where the defendant is not compelled to testify.

It is our opinion that there is nothing unreasonable about their being required to cooperate with the investigative authorities who are endeavoring to solve a crime and restore peace and good order in the community. It is of great importance to the enforcement of the law in this city that material witnesses not be permitted to obstruct justice by absconding from the jurisdiction.

The Citizens Crime Commission also endorses section 101 of H.R. 7525. The *Mallory* rule has crippled our police in their efforts to protect the community. It increases the difficulties of law enforcement, and also encourages increased lawlessness. Section 101 simply returns the courts to the general tests for coercion with respect to defendants' statements and it requires the warning concerning the rights of the individual to stand mute. Section 5 of the Federal Rules of Criminal Procedure was created by action of the Congress. It is a rule of criminal procedure, governing the admission of evidence in a trial, and it is clear that it can be constitutionally explained or amended by the Congress. The crime commission feels this to be of extreme importance to the enforcement of law in the District of Columbia.

Mr. Chairman, I have sought to avoid repetition of the testimony of other witnesses, but I shall be glad to respond to any questions you may wish to ask.

The CHAIRMAN. I appreciate your appearing and providing the committee the benefits of your views. I know of your fine reputation, not only as a public official, but you are equally a splendid lawyer, and your views are very helpful to us.

There seems to be general agreement on the investigative arrests. Most of the witnesses who have appeared have cast doubt on the constitutionality of the provision. They have taken the position similar to yours. Senator Ervin, who appeared before us yesterday, and who is really an expert in the field of constitutional law, took the same position.

Now, as you say, in the *Mallory* rule, it is a Federal rule, it does not involve, as indicated in Justice Frankfurter's decision, a construction of the Constitution.

Is it your opinion if title I was enacted into law, that it would stand a constitutional test?

Mr. McLAUGHLIN. That is our opinion.

We have a very good committee on policy and legislation in this organization, some experts in this field, and we are all of the opinion that that would, Mr. Chairman.

The CHAIRMAN. This is an area, of course, in which there is some difference of opinion. Some people feel if you were to enact title I, and it was to find its way to the U.S. Supreme Court, that there would be certain constitutional objections raised on the grounds that you had not built in adequate safeguards for the accused.

This is very much the position of Mr. Katzenbach of the Department of Justice, in his official opinion, just a month ago, to this committee.

Of course, he will be before us as soon as we can conveniently arrange it with him, and we can explore his views at that time.