

citizen in America, there would not be any question but that there would be no such proposed law as we are now here before this body to discuss, because the personal equation would then enter into it.

However, we look back upon the statistics that have been presented here by eminent law-enforcement officials, including our own chief of police, and including, I believe, Prof. Fred Inbau of Northwestern University.

I have already presented our basic view.

I do not believe that statistics will be of great value to this committee because statistics can be used according to the viewpoint that you take to prove almost anything that you undertake to explore.

If you say that crime, percentagewise, has increased in the District of Columbia since 1957, when *Mallory* came out, it is a fallacious type of logic, and certainly is not a correct reasoning.

It is a nonfollowing conclusion that *Mallory*, ergo, must have had something to do with it. Because during that same period rents have gone up, automobile production has gone up. And of course, those things are absurd to consider, whether or not *Mallory* had anything to do with this.

The concept that the criminal now knows that he is entitled to be brought immediately before a committing magistrate, and that he is not compelled to testify against himself, that knowledge permeated in American law, spread across this Nation, causes crime to rise, is something that I cannot comprehend—because some of these concepts are based in the very Constitution itself.

If you say that Congress, in its wisdom, many years ago said that I am not compelled to testify against myself, is it not also a corollary of that constitutional rule that if I am not compelled to testify against myself, then I should not be compelled to be subjected to that type of psychological strain that would have the same effect.

I notice from the press that Prof. Fred Inbau said that police now have psychological methods of interrogating witnesses. And I say yes, that is true; that certainly is the truth. And of course one of the greatest psychological weapons of the police department, again, is nothing novel, nothing new. If you take a man and put him in a small, dark, cold room and keep him for a number of hours, his mind is affected, he is subjected to a pressure, a psychological pressure, that may be turned against him.

I agree with the professor that the third-degree methods that were in vogue 20 years ago are becoming almost nonexistent. Now you don't have to take a rubber hose and beat a man 6 hours. You can keep him for 3 days, give him no cigarettes, give him no water, give him no food.

And you can take about 2 dozen police officials or police officers and interrogate that man, and keep him awake for 3 days. And at the end of 3 days, he is almost ready to confess murder of his mother.

If you don't believe it, try staying awake for 3 days; and at the end of that time, you would almost give your birthright for just 1 minute's sleep.

Now, I don't say that the officials who advocate the emasculation of the *Mallory* decision also advocate this type of subtle third degree. But I believe the purpose of the Supreme Court in the enforcement of the rule by this method is to not allow them that much leeway.