tree, take his suspect and rub pepper in his eyes, then his task might be made a lot lighter.

Now we recognize, of course, the task of a police officer is, to quote "The Mikado," quite an unhappy one, and quite a serious one in many respects, and we sympathize with them.

However, we do not believe that the rights of the citizens should be sacrificed to the comfort of the police officer in the accomplishment of his task.

We believe that *McNabb* as followed in *Mallory* is good for the District of Columbia. We do not believe that it will increase crime. We believe that it might cause more work on the part of the police officials, and indeed it might even cost money because it might cause the hiring of more policemen.

We believe that this is a small price to pay for human liberty.

Thank you.

(The complete prepared statement previously referred to follows:)

STATEMENT OF AMERICAN CIVIL LIBERTIES UNION, NATIONAL CAPITAL AREA

Ever since *Mallory* v. *United States* (354 U.S. 449; 1 L. ed. 2d 1479, June 24, 1957), there has been much said by many groups, individuals, and organizations, all seeking to demonstrate that the Supreme Court was ill-advised in that decision whereby the Supreme Court undertook to treat of the effect of an unreasonable delay in arraigning a suspect when it appeared that there was no valid reason for such a delay and where during the delay, the suspect was subjected to lengthy interrogation, to a lie detector test and, after detention for a considerable length of time, made a confession, the validity of which was the subject of the proceeding. Because law enforcement officials have been so loud in their condemnation and because they have been more effective in lobbying for legislation which would destroy the effect of *Mallory*, it is sometimes necessary to delineate the Supreme Court holding so that persons considering the need, or lack of a need, for action by Congress to modify by legislation the judicially pronounced rule of evidence announced in *Mallory* might be advised. In the words of the Supreme Court:

"The case calls for the proper application of rule 5(a) of the Federal Rules of Criminal Procedure, promulgated in 1946, 327 U.S. 821. That rule provides:

"'(a) Appearance before the commissioner. An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States. When a person arrested without a warrant is brought before a commissioner or other officer, a complaint shall be filed forthwith.'"

The Court then discussed the statutory and judicial antecedents used as guides in the application of rule 5(a) including *McNabb* v. *United States* (318 U.S. 332). In *Mallory* we are told that: In *McNabb*, "in order to adequately enforce the congressional requirement of prompt arraignment, it was deemed necessary to render inadmissible incriminating statements elicited from defendants during a period of unlawful detention."

It is believed that the many bills introduced in this session of Congress aimed at the emasculation of the law as set forth in *Mallory* have been so introduced without consideration of the real and basic holding in *Mallory* and in disregard of the true purpose of that decision.

The *Mallory* decision recognizes the intent of rule 5(a) of the Federal Rules of Criminal Procedure which requires the prompt arraignment of the suspect: "It aims to avoid all the evil implication of secret interrogation of persons accused of crime." Further it protects the innocent and law-abiding citizen from being held for unreasonable lengths of time who has been arrested without probable cause in the first instance but merely upon bare suspicion and who, in many instances, has been arrested merely for the purpose of seeking information concerning the crime being investigated and for the purpose of obtaining leads as to other possible suspects.