

produce a bond satisfactory to him for as long as the police go on investigating a crime, because their testimony might in the future prove useful.

Of course, the statute as drafted, section 302, doesn't refer just to witnesses as such, the people who get up and testify to crime and say, "I saw it happen, sir."

It particularly permits the holding of the person who may later become the defendant. And this is very clear. The House committee deleted a proposal from one of the bills that was before it, one of the specific bills, that the man be informed of his rights, that he need not testify against himself.

We think the deletion of that proposal was somewhat significant, because it shows that there was in mind the idea that people who might become defendants, not mere witnesses, could be held by the police.

Of course, as I have told you already, we think that warning doesn't satisfy the problems of a man held incommunicado. But nonetheless, the deletion even of the warning provision suggests to us that the House committee did contemplate that defendants, future defendants, would be held in this manner.

Now, this is a pretty frightening prospect.

The police can pick up a man without relation to a pending case, they can hold him for 6 hours without telling anybody about it, he has no line to the outside world. They can continue to hold him if, being a poor person, he cannot produce a bond. And it goes on so long as a police investigation goes on. And this man apparently is not even to be informed that he need not testify against himself.

And we have no doubt, frankly, that this will be used by the police to get around the ban on investigative arrests. At least we have no doubt that unless the law is concretely tied to a witness in a pending case in which there is already a defendant charged, that possibility will continue to exist as long as the law is on the books as drafted.

Now, we think it wasn't an accident that the dissenters in the House committee said this is one—perhaps the most dangerous single provision of H.R. 7525, because it is a legislative wolf in sheep's clothing. Perhaps that language is colorful, but we think it is not too far off the mark.

So I am in here today to stress as strongly as I can—if you agree that section 301 is no good, is invalid, if you decide not to recommend such a provision, but if you recommend section 302 in its present form, you have done the same thing by the back door.

And we are in very, very serious trouble.

You have had testimony about the grim specter of public disrespect for the police by a Cincinnati police chief who is apparently not subject to the Federal Constitution in the sense that our officials are. You have had testimony that today a citizen does not have this right to walk the streets of Washington primarily because police may not interrogate suspects.

The truth of the matter is if you hear the complaints of the people in the parts of town where investigative arrests and material witness detentions would be made—and we know, by the way, that members of this committee would not be the people subject to this, even if they