

were suspected of a crime—if you hear their complaints, we know very well why there is disrespect for the police in a large part of this town.

There is disrespect for the police because the police have a certain degree of disrespect for the Constitution themselves in their past practices. And this has gone on too long. And it has created an atmosphere of official lawlessness in this District, which has incurred private lawlessness.

Now, the police have a very difficult problem. And it is an excellent police force—probably no more honest and zealous one in the country. But zeal on the policeman's part is just the advocate of a man who would go as far as he could in getting the crime solved.

Now, long ago, of course, and I am not accusing Chief Murray or any of his subordinates of suggesting this again today—but long ago, when inquisitions were stopped, when the rules that a man had to confess against himself or else there could be no valid basis for conviction, was abolished, there were cries by law enforcement officials that this would stop the solution of crimes.

There is not a lot of difference in quality, although there is a great difference in degree in the protestations being made today.

We are anxious that the police not feel paranoid in this city. But we are anxious that they do abide by the law, and we think the constitutional basis for saying that a person arrested must be taken without unnecessary delay before a magistrate, told of his rights, allowed bond, granted counsel, all that can be found in the decisions construing the Constitution of the United States.

(The complete prepared statement of James H. Heller follows:)

VIEWS OF THE NATIONAL CAPITAL AREA CIVIL LIBERTIES UNION

Mr. Chairman, members of the committee, my name is James H. Heller. I am a Washington attorney. I am also secretary and a member of the executive board of the National Capital Area Civil Liberties Union. On behalf of that organization, I ask this committee's rejection of title III of H.R. 7525, the so-called omnibus crime bill. This title is in two sections. One would openly revive and attempt to legitimize the recently banned police practice of making investigative arrests. The second section would accomplish very much the same result but under the semantic device of detaining material witnesses for questioning.

It is this second section of title III to which we wish to call particular attention today, for the minority of the House Committee on the District of Columbia rightly underscored its view that, "Perhaps this is the most dangerous single provision of H.R. 7525 because it is a legislative wolf in sheep's clothing." (H. Rept. 579, 88th Cong., p. 99.)

First, however, let me turn to section 301 which directly revives investigative arrests under a procedure of 6-hour detention by the police in their own discretion. It cannot be any secret that an American Civil Liberties Union affiliate opposes this authoritarian and unconstitutional practice. Let me state our major objections to the practice.

My task is made very simple by the published "Report and Recommendations of the Commissioners' Committee on Public Arrests for Investigation," the so-called Horsky committee report of July 1962. It was this report which led to the Commissioners' ban on investigative arrests in March 1963. I hope I need not commend the Horsky report to this committee beyond pointing to the credentials of the report's authors, the thoroughness of their inquiry, and the fact that no lawyer has yet risen to oppose the report's factual and legal conclusions. I would add this: Here was a carefully documented, cogently written, and long debated report commissioned by our own local chief executive, the Board of Commissioners. To ignore or override their action based on that report would debase and mock even our present semicolonial system of government in the District.