

police even if in having this assurance the police are hampered in investigating a crime or a guilty person goes unpunished.

Thank you very much.

The CHAIRMAN. We appreciate very much your statement, Mr. Schwartz. It will be very helpful to the committee.

Our next witness is Mr. Joe Rauh, Jr., vice chairman of the Democratic Central Committee for the District of Columbia.

STATEMENT OF JOSEPH L. RAUH, JR., VICE CHAIRMAN, DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE

Mr. RAUH. Mr. Chairman, thank you very much for this privilege of testifying before you, and also I thank you very much for the interest which you have displayed in this problem.

Just sitting here this morning—I think it is wonderful that you are giving your time to really going after this very serious problem. But that is not surprising to those who know the interest you have put into the District of Columbia generally, sir.

The CHAIRMAN. Thank you.

Mr. RAUH. I have a very short statement.

The Democratic Central Committee strongly supports the *Mallory* rule and opposes the pending legislation to repeal it.

Just as our party has always stood up for the civil rights of minority Americans, so we seek to defend and protect the civil liberties of all Americans. The pending legislation would weaken civil liberties in the District of Columbia by encouraging the police to hold suspects for intolerable periods of questioning instead of taking them promptly before the committing magistrate.

I might interject here, Mr. Chairman, that I think Mr. Schwartz was right in the sentence you questioned, but I think he was right for a little different reason, when he said it was naive to think you would keep out coerced confessions. I think that is correct, as a matter of practice. It is naive to think you can prove the coercion.

In other words, this *Mallory* rule is a substitute for proof of coercion. It is terribly hard to prove what went on in a police station. And therefore when a fellow says it is naive to think that you can keep out the coerced confession if you do not have the *Mallory* rule, I personally very much think that is correct.

Of course, if a fellow is beaten—the original case in the Supreme Court is *Brown v. Mississippi*. There the man was beaten to a pulp. It was admitted he was beaten. That is one kind of coercion.

But the ordinary coercion cannot be proved in the courtroom. And I must respectfully suggest that that is the real basis for what we believe in.

A police station is not a picnic ground. Honest but over-zealous policemen, striving for the solution of crimes through confessions, too often use methods bordering on the third degree. The only way to forestall such conduct is to deny the police the use of confessions extracted during periods of unnecessary delay at the station house. We cannot expect the police to punish the offending officer; the *Mallory* rule denying the officer the use of the wrongfully obtained confession is society's only means of ensuring civilized police conduct.

The CHAIRMAN. A suggestion has been made by some of the