

lory responded to the call in the absence of his half brother. Mallory left the laundry room, but shortly thereafter the victim was confronted by a masked person who criminally assaulted her.

A brief time after the commission of the crime, the defendant and one of his nephews left the apartment house. Mallory was apprehended the following day at approximately 2 p.m., and was taken to police headquarters with two nephews who were also suspects. All were questioned for slightly over one-half hour and were held until 4 p.m., when they were asked to submit to a polygraph examination to which they agreed. Mallory was then questioned for approximately 1½ hours shortly after 8 p.m. Finally he admitted his guilt. At 10 p.m., he repeated his confession to other police officers and a fruitless effort ensued on the part of police officers to reach a U.S. commissioner in order to arraign the defendant. Mallory consented to a physical examination by the coroner who found no indication of physical abuse or psychological coercion. Confronted by the victim at approximately midnight, Mallory once again admitted his guilt, repeated his confession, and dictated it to a stenographer. The defendant signed the confession and he was arraigned the following morning.

Following Mallory's conviction and the appeals leading to the Supreme Court reversal of the conviction, the case was remanded to the district court where the indictment was dismissed and the defendant released.

An interesting and significant facet to the case is that at no time during the course of the pretrial or the trial proceedings did Mallory deny his guilt.

We understand that as a result of the *Mallory* rule over 140 cases of appeal have been brought to our higher courts in the past 5 years, many in direct conflict with one another. Without question, the District of Columbia has felt the greatest impact of the ruling in the *Mallory* case. Common law crimes, over which the Federal Government has jurisdiction within the District of Columbia, makes this the case in contrast to the States where Federal statutes apply less broadly. Local law enforcement agencies, in most cases, handle these crimes in the various States.

The Supreme Court in its opinion referred to rule 5(a) as being a part of the procedure devised by Congress to safeguard individual rights without hampering effective and intelligent law enforcement. This last provision is the basic premise for the proposed legislation encompassed in title I of H.R. 7525.

Earlier this week we heard a knowledgeable and respected law-enforcement official, referring to the *Mallory* rule, describe it as possessing the capacity to wield a disastrous influence upon our Nation if allowed to thwart justice in the States in the fashion that it has in the District of Columbia. This same official offered convincing justification for the need of a reasonable period of time for the police to perform their investigative functions prior to the arraignment of an individual on a specific charge.

Interpretations and decisions based upon the Constitution have narrowed tremendously in recent years. Probably the most significant of these decisions has concerned Andrew Mallory. It would be completely absurd to advance the thought that the learned men who framed our Constitution over 170 years ago had in mind preserving the