

This is typical of some of the travesties on justice which are permitted under the *Mallory* law.

With the two historic cases of *Mallory* and *Killough* hovering in the background to impede swift and certain justice to criminals in the District of Columbia, it is not startling that this city has witnessed a marked rise in crime since the *Mallory* ruling in June 1957. From 1952 to 1957 there was a continuous and sharp drop in serious crime in the District of Columbia. The actual figures were from a high of 2,300 in December 1952 to 1,300 in June 1957. From the date of the *Mallory* ruling, however, there has been a continuous and sharp increase in serious crime in the District. For the first 6 months of the current year, Washington stood eighth in the 16 cities with populations between 500,000 and 1 million in population. It should be noted, however, that in 1957, we were in 12th place on the same comparative basis. From 1957 to 1962, serious crime in these other 15 cities showed an overall increase of 21 percent, while in the District of Columbia in the same 6-year period, it increased by 48 percent, moving the Nation's Capital 4 notches up the crime ladder. Significantly, since 1960, the District's rate of serious crime clearance has also declined. As the total number of offenses has increased from 1957 to date, the total number cleared has also increased, but the proportion of clearance has, in general, fallen behind. Even with increased emphasis on detection operations within the Metropolitan Police Department since 1957, that Department has not been able to attain either the number or proportion of clearances attained during the high crime years prior to 1957.

Continuing this alarming crime pattern, it should be noted that for the first quarter of 1963, the District of Columbia has had a 19-percent crime increase over the first quarter of 1962 as compared to a 7-percent increase for the remainder of the country. Furthermore, recently released statistics indicate that figures for the Nation's Capital show an increase for the 17th consecutive month. At this time in our Capital City, it appears that the representatives of law and order are equipped with an 18th century stagecoach in hot pursuit of the recidivist criminal element operating a 1964 Cadillac with radar equipment.

There exists another ramification of the *Mallory* rule not too often considered in discussions of the effect of the Court decision. When police officers are hurried in the conduct of their official duties and are required to arraign persons with reference to whom there may be probable cause for arrest, it is possible that many innocent persons might be arraigned and charged with crimes as a result of the peculiar circumstances surrounding their location and conduct. The *Mallory* rule has the effect of providing an unhealthy acceleration to police work to such a degree that the opportunity for exculpatory questioning is seriously diminished. Accordingly, revisions in the *Mallory* rule as encompassed within title I will have the effect of protecting the innocent.

Paragraph (b) of section 101 of title I specifically sets forth safeguards to protect the person who may be subject to interrogation. It provides that no confession shall be admissible unless prior to such interrogation the arrested person was advised that he was not required to make a statement and that any statement made by him may be used against him. With this one major qualification and limitation on the police officer, title I is designed to restore the law to its posi-