

On June 11, 1963, this criminal struck again, this time breaking into the home of a 72-year-old woman, choking her, and robbing her of \$17.

Again, on June 29, 1963, over here on Capitol Hill, he forced his way into the apartment of a 59-year-old woman and robbed her of \$137. While he was in the apartment, two visitors to her apartment knocked on the door, and he left through the frontdoor, passing the visitors on his way out.

Fortunately, these witnesses were able to identify the criminal from his photograph, and a warrant for his arrest was then issued by the U.S. Commissioner at about 10 a.m. on July 2, 1963. A lookout was sent to all units of the Department, and soon afterward this criminal, who had been preying on the elderly women of this community for nearly 2 full months, and who had committed at least two serious offenses after we had come to the conclusion that he was guilty of the previous three offenses, was in custody of this Department.

I might add that, of the five victims, only the victim and the witnesses in the last case were able to positively identify the accused, but stating, "You got me good; I might just as well get all of them straightened out," he confessed to all five of the crimes.

He was subsequently indicted and recently was sentenced to imprisonment for from 3 to 9 years.

Mr. Chairman, I don't want to belabor the point or waste the time of this committee by pursuing too long a single line of testimony. But I think these cases, and particularly this last criminal I have described, show what the police of the community are up against. I submit that at least after the commission of the first three of these cases, there was, from the *modus operandi* and general physical description alone, adequate evidence to create in the mind of a reasonable and prudent man probable cause for the arrest and questioning of this known criminal. But, just as certainly, without a statement from the defendant, there was not sufficient evidence to arraign and convict him.

Mr. Chairman, I submit that the last two victims of this criminal enjoyed in theory only their right to be secure in their persons and houses.

Mr. Chairman, I can honestly testify to this committee that, even today, we have walking in the streets of this city, criminals who, we have ample reason to believe, have committed series of crimes, but who we cannot arrest, because they have not been careless enough to leave fingerprints behind, and who will continue in their criminal careers until they become careless with their fingerprints or until their criminal act is witnessed by someone who can testify against them.

Mr. Chairman, it is true that, in terms of current nationwide crime rates, the District compares favorably. For the period January through June 1963, among the 16 cities in our class of 500,000 to 1 million population, the District ranked 8th in total serious offenses, 6th in murder, 9th in rape, 2d in robbery, 1st in aggravated assault, 7th in housebreaking, 12th in larceny, and 9th in auto theft. It is also true that overall crime in the District of Columbia is now about average in comparison with other large American cities.

On the other hand, it is important to remember that our crime rate has increased by 56 percent since 1957 to an alltime high as of last month; that our ranking among cities in our population group has increased from 12th place in 1957 to 8th place for this year, and that the rate of increase of our crimes since 1957 has steadily outstripped that of other American cities and is still rising sharply. I would ask this committee and the opponents of this legislation, "Must we wait until the District of Columbia is first in crime before providing the metropolitan policeman with statutory tools already possessed by other police officers throughout the United States?"

Mr. Chairman, some time ago I wrote to most of the major cities throughout the Nation to inquire regarding the rules of arrest under which they operate. I have brought with me today copies of the replies from those cities which I will make available for study by this committee. I can assure this committee that none of those cities is hampered in crime investigations by a restriction even nearly approaching the stringency of the *Mallory* rule.

Mr. Chairman, I have been repeatedly advised by legal experts that no constitutional question is involved in the *Mallory* ruling. Its proponents claim that it is needed to protect the guilty from the police. Mr. Chairman, I submit that the innocent also deserve protection from the predatory and that, if more protection of the criminal is needed than existed in 1957, which I doubt, then some other device, which strikes a better balance between the rights of the criminal and the rights of the law-abiding citizen, should be found.