One of the opponents to a change of the *Mallory* rule, in his appearance before the House District Committee, called upon a quotation from Professor Wigmore to support the *Mallory* rule. He quoted Wigmore as saying:

"Any system of admission which permits the prosecution to trust habitually to compulsory self-disclosure as a source of proof must itself suffer morally thereby. the inclination develops to rely mainly on such evidence and to be satisfied with an incomplete investigation of the other sources."

Actually, that quotation did not deal specifically with exclusionary rules such as *Mallory*, but Professor Wigmore did elsewhere write forcefully on the subject of such exclusions. In Wigmore on Evidence, third edition, section 851, he discussed at length the need for questioning of criminals under arrest and also referwred to the potential abuses which can conceivably occur as an outgrowth of such questioning. As an alternative, he suggested that private questioning of suspects under arrest might be done by a prosecutor or a magistrate, an alternative I do not now specifically propose, but one which I acknowledge would merit consideration. My point at this time, in referring to that writing, is to quote his concluding paragraph. Professor Wigmore wrote:

"* * * it follows that the attempts, legislative and judicial, to exclude entirely confessions obtained by questioning of persons arrested and in seclusion represent simply a misguided solution of the problem."

Mr. Chairman, I personally favor the present language of title I and title III of H.R. 7525 as practical provisions which will provide this Department with authority to cope with our current crime problems. I realize, of course, that alternative provisions are likely to be proposed to the Congress and that some of those will be intended to alleviate our problems in these areas while, at the same time, possibly meeting some major objections of the opponents to the legislation in its present form.

I recognize, therefore, that it may be necessary to consider some compromise provisions, which do not impair excessively the effectiveness of these proposals, in order to obtain early legislative relief in some form.

Because of the dire need for some such relief, I urge the Congress to act on these problems as quickly as possible.

Mr. MURRAY. Mr. Chairman, title I and title III of H.R. 7525 are designed to fulfill the three paramount needs for legislation to improve law enforcement in this city. Altogether, these two titles would provide for—

1. Clarification of the intent of Congress as expressed in rule 5(a) of the Federal Rules of Criminal Procedure;

2. Legislation in the nature of the Uniform Arrest Act, as an alternative to the now prohibited practice of investigative arrest, to empower police officers to detain probable felons for questioning; and

3. An effective statute authorizing the detention of a material witness to the commission of a felony.

Mr. Chairman, from the standpoint of police operations, these three items are the outstanding legislative needs of this city; I would rank them by importance in the order I have just listed them.

As I have frequently reported to the Congress, under the hampering effect of the *Mallory* ruling and corollary decisions, our rate of offense clearance has decreased and the related effectiveness of swift arrest and punishment and of removing criminals from the streets has been diminished. I have previously furnished to this committee a table with an explanation showing the readily apparent relationship of the *Mallory* decision to the clearance of part I felonies in the District of Columbia; for the convenience of members of the committee, I have furnished additional copies of that material for their examination today. This table reflects the fact that, for the fiscal year 1963, our rate of clearance of part I felonies stood at 44.6 percent, the lowest rate for any of the past 12 years.