

Mr. MURRAY. That happened this spring. This fellow held up two young women at 10th and G Streets, forced them into a car at the point of a gun and made them drive around the city and finally raped one of the young women.

He made good his escape and went to Philadelphia and attempted to hold up two candy stores over there, and was arrested over there. Well, he told the police that he had killed a woman here in Washington and had thrown her body in the river.

Well, our detectives took our witnesses over there, and they immediately identified him as being the assailant of the night before here in Washington. But he told them, he told the police that the reason that he had given the story about killing a woman and throwing her body in the river was that he felt he had a better chance of getting off easier down here than he did in Philadelphia.

The CHAIRMAN. I don't know whether that is an isolated instance or how credible the witness was.

Mr. MURRAY. Getting back to your percentage of cases that had been lost, Mr. Chairman, there are many cases that have not been presented because the *Mallory* problem was raised.

Now, one case where a baby was found in a locker over at Union Station, I think this woman from the time of her arrest to arraignment, 3 hours had elapsed. But it was decided that they could not prosecute the case, and the case was thrown out. It was only 3 hours.

We had another case where a 19-year old was surprised in the act of ransacking an apartment, and he stabbed a woman to death. From the time of arrest until arraignment, 2 hours 40 minutes had elapsed. He was finally convicted, but they would not let us use the reenactment of the crime. We took him back to the apartment where he reenacted the crime, but we couldn't use that. The only thing we could use was his confession immediately after he was arrested, 2 hours 40 minutes was too long. So I think that is drawn a little bit too fine.

The CHAIRMAN. Chief, you cite this one instance. Do you keep records in your Police Department indicating the number of cases that were presented to the U.S. attorneys where acquittals resulted because a confession was excludable or excluded under the *Mallory* rule?

Mr. MURRAY. I don't think we do. We don't have any statistical records of that; no, sir.

The CHAIRMAN. The advantage of such a record would of course help to prove, beyond any doubt whatever, that your statement about crime being on an increase is attributable to the *Mallory* rule. This could be demonstrable if you had the records that would indicate this.

Mr. MURRAY. No, sir; we could get together a lot of cases that were not prosecuted because they felt too much time had elapsed, and sometimes they think 2 hours is too much time.

The CHAIRMAN. This I understand. Do you have statistics that would reveal in 1962 that 1,000 cases were not prosecuted or were not presented to the U.S. attorneys office because of the fact that a confession would be excluded under the *Mallory* rule. Are there statistics of that kind?

Mr. MURRAY. No; we would have to go through our cases and pick them out. We don't have any statistics on those.