

The CHAIRMAN. I am not suggesting that you make a study of this going back to 1957. If you did have these statistics, it would be very helpful in indicating just exactly how many cases were not presented to the U.S. attorney because of the restrictions that you claim come about because of the *Mallory* rule.

Mr. MURRAY. Mr. Chairman, in all homicide and rape cases, where an arrest is made during the night, the U.S. attorney has a list of assistants on call, and as soon as arrest is made, we call the next man in line and from the time the arrest is made we go along with whatever he says should be done.

If he says a man should be put in a cell, don't talk to him any more, that is what is done. That is in all homicide and rape cases.

The CHAIRMAN. Of course, your No. 1 is what, aggravated assaults?

Mr. MURRAY. Yes, sir; we are No. 1 in aggravated assaults statistically; yes, sir.

The CHAIRMAN. And as I understood you, you say this is the area where you are having your greatest problems.

Mr. MURRAY. Yes, sir.

The CHAIRMAN. In aggravated assaults. I have a few further questions, but I want to defer to my colleagues. First the Senator from New Hampshire.

Senator McINTYRE. I just wanted to ask you, Chief, you are describing a situation where a young man was ransacking an apartment. He was surprised, he committed murder. An arrest apparently was made. One of these threshold-type confessions you spoke of was made and 2 hours 40 minutes later he was taken to the scene and reenacted the crime.

Mr. MURRAY. Yes, sir; 2 hours 40 minutes from the time he was arrested he was brought by this apartment on the way down to headquarters where he described the apartment and reenacted the crime. He was taken to headquarters.

A statement was taken from him, he was fingerprinted and photographed, and taken to the U.S. commissioner, and the time elapsed was 2 hours 40 minutes from the time he was first picked up until he was taken before the commissioner. But the reenactment, everything except his original threshold confession was thrown out. They didn't use it. They thought too much time had gone by.

Senator McINTYRE. I don't want to pursue this too much, but do I understand that the reenactment took place before the confession?

Mr. MURRAY. No; he confessed at the station house, but then on the way to headquarters they stopped by the apartment house where the murder had been committed, and he reenacted the crime there.

Senator McINTYRE. Thank you.

The CHAIRMAN. The Senator from Colorado?

Senator DOMINICK. Chief, there are only two things that I have to ask about. In your statement you say here that the proponents of the *Mallory* rule claim that it is needed to protect the guilty from the police. I don't really think that is true.

I think what they say is to protect the people who have been arrested, because a person still is presumed to be innocent until he has been proved to be guilty. So I don't think they are saying that you are going to protect the guilty.