

The CHAIRMAN. Any further questions?

Thank you very much, Chief. We always enjoy having you with us. You have been very helpful. We will do the best we can to work out this problem.

Mr. MURRAY. Mr. Chairman, I would also like to express my appreciation to you for bringing in the chiefs of police and other witnesses to help present our side of the case. I know you have brought in people from both sides, but I know you have had the superintendent as a witness and others in here, and I appreciate it very much.

The CHAIRMAN. Thank you.

Our next witness is Mr. Tobriner.

Mr. Tobriner, I am very grateful to you for your indulgence in waiting this long to be heard. It occurred to me that in view of the testimony of the Department of Justice and the U.S. attorney, it was very proper that we hear from the Police Chief at that particular point.

STATEMENT OF WALTER N. TOBRINER, PRESIDENT OF THE BOARD OF COMMISSIONERS

Mr. TOBRINER. Thank you very much, sir.

Mr. Chairman and members of the committee, the Commissioners appreciate this opportunity to present their views on titles I and III of H.R. 7525, an act relating to crime and criminal procedure in the District of Columbia, passed by the House of Representatives on August 12, 1963.

Title I of H.R. 7525 is intended to overcome for the courts of the District of Columbia the effect of a rule of evidence laid down in a line of cases beginning with the case of *Mallory v. United States*, decided in 1957 by the Supreme Court, barring the admissibility in evidence of statements made by arrested persons if such persons are not promptly taken before a committing magistrate in accordance with rule 5(a) of the Federal Rules of Criminal Procedure, requiring arrested persons to be taken before a committing magistrate "without unnecessary delay."

Title I of the bill would change the existing situation in the District of Columbia so as to provide that statements and confessions, otherwise admissible, will not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer with power to commit persons charged with offenses against the laws of the United States.

The Commissioners naturally favor the admissibility of confessions and statements which are made freely and voluntarily. However, they believe that title I of H.R. 7525 should be amended in several respects so as to expand its coverage and afford certain safeguards to the persons making confessions or statements.

Accordingly, the Commissioners have recommended a number of changes in this title of the bill, set forth on page 2 of their report to the committee. The first of these changes would make the title applicable in cases of arrests for violations of the laws of the District of Columbia as well as of the laws of the United States.

The second change has the effect of requiring that each person shall immediately prior to being interrogated, be advised that he is not