Obviously, any such arrest denies to the person so detained, for a period of as much as 6 hours, the opportunity to secure his liberty by posting bail or collateral, denies him the right of habeas corpus, deprives him of the assistance of counsel, and tends to impair his right under the fifth amendment not to be compelled in any criminal case to be a witness against himself. The Commissioners note, incidentally, that the U.S. Court of Appeals for the Fifth Circuit, in the case of *Staples* v. *U.S.*, 320 F. 2d 817, decided July 10, 1963, stated, with respect to one of the defendants in the case, that "McNamara was not under lawful arrest, but had been booked for 'investigation of passing counterfeit notes.'" The emphasis in my statement is also in the original.

This statement, the Commissioners believe, supports their view that arrests for investigation are not lawful. In addition, there is a line of cases which you are well aware of in the other Federal courts, and in the Supreme Court of the United States.

The Commissioners are cognizant of the fact that there is some support in the community for statutory authorization of the practice of making arrests for investigation, as an effective means of coping with the crime situation in the District of Columbia. They question, however, whether the "cure" provided by section 301 of title III is not in fact worse than the disease. It should be borne in mind that, if section 301 should be enacted by the Congress and be approved by the President, each of us present in this room today would be subject to being stopped on the street by a police officer merely because he is suspicious of us, and, should we not satisfy him concerning our identity or actions, we could be held incommunicado in a police precinct station house cell for as long as 6 hours, regardless of the pressing and important nature of our business elsewhere. This, the Commissioners strongly believe, is too high a price to pay.

If, however, the phrase "reasonable ground to suspect" in section 301 is construed, as has been the case in two of the three States in which the so-called Uniform Arrest Act is in effect, as meaning nothing more than "reasonable ground to believe"—that is, probable cause—then the Commissioners are of the view that this provision of the bill is unnecessary, since the officers and members of the Metropolitan Police force already possess the power to make arrests on the basis of probable cause.

Accordingly, to sum up my testimony on so much of title III of the bill as would impose on the District of Columbia the so-called Uniform Arrest Act, the Commissioners are strongly opposed to this provision as being either unconstitutional, in that it would authorize "arrests for investigation," or unnecessary, in that if the phrase "reasonable ground to suspect" be interpreted to mean "probable cause," the provision gives the Metropolitan Police no greater authority than they already possess.

With respect to the second of the two sections contained in title III of H.R. 7525, the Commissioners recognize the desirability and practical necessity of securing the appearance of material and necessary witnesses under the particular circumstances outlined in the section. However, they believe that such persons should be subjected to even less restraint on their physical liberty and freedom than those formally charged with crime, and that they should in all cases be permitted to appear immediately at the beginning of their detention before a judge or commissioner for the purpose of determining whether