

without a hearing. Moreover, these ex parte orders would apply not only to the materials themselves alleged to be obscene or indecent, but to all personal and real property used in connection therewith. Thus, a bookseller, or newspaper publisher, or theater owner, or anyone having any materials alleged to be obscene or indecent, could be entirely shut down and deprived of the use of his property prior to a trial. We think this procedure would violate the constitutional guarantees of due process of law.

We think these provisions of section 507 are too drastic to be used in the delicate area of speech and press which is specially protected under our Constitution. In trying to eliminate household vermin, we should not burn down the whole house. There are other ways to combat obscenity and indecency than by the Draconian sanctions of section 507 which would destroy essential constitutional protections and choke off freedom of expression, speech and press. We therefore urge that section 507 be rejected.

Thank you for permitting us to present these views on H.R. 7525.

The CHAIRMAN. We very much appreciate your appearance here, Mr. Panzer, and appreciate the views of the American Veterans Committee on this omnibus crime bill that is before us. Your prepared statement will be included in the hearing record at this point.

(The prepared statement follows:)

TESTIMONY OF IRVING R. M. PANZER, ON BEHALF OF WASHINGTON CHAPTER,
AMERICAN VETERANS COMMITTEE

My name is Irving R. M. Panzer and I appear before this committee on behalf of the Washington, D.C., Chapter of the American Veterans Committee (AVC).

We are proud to live in or near our Nation's Capital. We have worked long and valiantly to help make it a better place for all persons, and to eliminate or mitigate its deficiencies or shortcomings. We are deeply concerned about the social and economic conditions which foster juvenile delinquency and crime. We believe that the governing agencies of this community—the Congress, the District Commissioners, the police, and all other agencies of government—must be continually alert to deal with the evils of crime and delinquency, and to do so in a way that is compatible with our constitutional guarantees and protections.

We are deeply troubled by many features of the so-called omnibus crime bill (H.R. 7525) now being considered by your committee. Our concern that the bill is unconstitutional and unwise is heightened by the fact that it is opposed vigorously by at least 147 Congressmen, by the Department of Justice, by the U.S. attorney, by the District Commissioners, by the Bar Association of the District of Columbia, and by many others concerned with crime, civil liberties, and man's relation to his fellow man, and the problems of controlling crime.

The technical aspects of this bill are already detailed at length in the majority and minority reports in the House of Representatives (H. Rept. 579, 88th Cong.), and in the letters of the District Commissioners and the Department of Justice opposing the bill which are printed in the Congressional Record of August 12, 1963, when the House debated the bill; and many witnesses have commented on these technical aspects in their testimony before this committee.

Our concern does not rest on technicalities. Rather, we believe that the overall effect of this bill would abridge the constitutional rights of many people, and would not achieve its professed purpose of alleviating or preventing crime in the District of Columbia.

First, we oppose title I of the bill, which would repeal, for the District of Columbia alone among all Federal jurisdictions, the uniform Federal rule (known as the *Mallory* rule) which makes inadmissible the confession of an arrested person who has not been taken before a committing magistrate without unnecessary delay as required by rule 5(a) of the Federal Rules of Criminal Procedure.

We believe that title I weakens the rights and liberties of every American. It opens the door to unrestrained detention and intimidation of suspects by the police for prolonged periods of time, and encourages the use of "third degree" methods to extract confessions. The Deputy Attorney General recently advised