

The law enforcement officials of this city must be taken off the defensive they have occupied since *Mallory*. The most acceptable remedy, the one advocated by the vast majority of the law-abiding elements of our community, is embodied in title I of H.R. 7525. Other bills have been introduced to alleviate the handcuffing effect upon law enforcement of the *Mallory* decision. Unquestionably there is virtue to many parts of these bills and would most certainly represent an improvement over the present conditions.

One of these, H.R. 5726, proposed by the U.S. attorney for the District of Columbia and Deputy Attorney General Katzenbach is a compromise which would, generally, be of assistance to law enforcement. It is our feeling, however, that H.R. 5726 and other bills go too far in the direction of protecting the criminal and tend to make the job of law enforcement subject to extremely cumbersome and unwieldy limitations in performing their principal duties of protecting our law abiding citizenry.

We urge the adoption of title III of H.R. 7525 which will permit an officer or member of the Metropolitan Police Department to detain and question persons suspected of committing crimes and to require bond in the case of certain material witnesses. Title III also provides for legislation similar to the Uniform Arrest Act as an alternative practice to investigate arrests. This legislation will provide for the detention and questioning of material witnesses to crimes of violence. It is deemed necessary for enactment in view of the shortcomings of the present statute covering the detention of material witnesses, which is practically impossible to utilize and in the final analysis, serves no practical value.

Any material witness legislation, to be effective, must make certain that the witness is available before, during, and after the initiation of criminal proceedings in the court. Other legislation introduced in the Congress to provide for the detention of material witnesses tends to place excess restrictions upon law enforcement and some would leave us no better off, if it were enacted, than we are today.

The American Law Institute has made a detailed and comprehensive study of the *Durham* rule, adopted in 1954 after the now famous *Monte Durham* decision. The *Durham* rule provides that a defendant is not responsible if the act was caused by mental disease or defect.

Title II of H.R. 7525, drafted upon the recommendations of the American Law Institute, would allow a successful defense if the accused, as a result of mental illness or defect, lacked substantial capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law. This represents an updating of the traditional right-wrong and irresistible impulse tests which were the determining factors in criminal defense prior to the *Durham* decision in 1954.

In urging the adoption of this legislation, we realize that this is an extremely technical subject but feel that the diligent research of the American Law Institute has provided us with badly needed and, equally important, workable legislation.

The Chevy Chase Citizens' Association considers these legislative proposals to be of paramount importance in bringing about a swift and dramatic change in the crime picture of our Nation's Capital. We strongly feel that unless legislation covering these points is swiftly