

APPENDIX

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
November 8, 1963.

DEAR—: May I call your attention to title I (dealing with the *Mallory* rule) of H.R. 7525, the House-passed omnibus crime bill, on which you testified before this committee recently.

In testimony on November 5, Deputy U.S. Attorney General Nicholas deB. Katzenbach said that if some corrective legislation is felt to be necessary in the *Mallory* area, that the Justice Department's recommendations were that a minimum of four essential safeguards of the defendant's rights should be incorporated in it. These safeguards and his comments particularly on this point are set out starting on page 681 of the enclosed transcript of the hearing that day. Mr. Katzenbach was questioned on these points by Senator Dominick at some considerable length starting on page 687. Senator Bible further questioned Mr. Katzenbach on these points on pages 716 and 717 wherein it was indicated that possibly only the first two safeguards might be required to meet the constitutionality test.

Likewise, U.S. Attorney David Acheson discussed these safeguards in his statement starting on page 724. Enclosed is a copy of H.R. 5726 which sets these safeguards out in bill form in greater detail.

I call your further attention to statements by Maj. Robert V. Murray, Chief of the Washington Metropolitan Police Department on the above points, found on pages 738 to 749 and pages 757 to 760.

It would be deeply appreciated by this committee in its examination of this complex subject if we could receive your written comments on Mr. Katzenbach's suggested amendments to any legislation amending the *Mallory* rule. Since this committee has concluded its hearings on this section and is desirous of moving into an executive session in the near future, it would be appreciated if your written comments might be received by this committee no later than Monday, November 25. Your views will be valued and I believe most helpful in this committee's deliberations. I am enclosing a self-addressed envelope for your use in sending your comments to the committee.

Again, please accept my thanks on behalf of this committee for your time and effort in assisting in this important field.

Cordially,

ALAN BIBLE.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA,
Washington, D.C., November 15, 1963.

HON. ALAN BIBLE,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: This is in response to your letter of November 8, in which you request my comments on Mr. Katzenbach's suggested amendments to the pending legislation to modify the rule of the *Mallory* case, H.R. 7525. It gives me pleasure to comply with your request.

Deputy Attorney General Katzenbach proposed four safeguards as amendments to the bill. For reasons that I shall endeavor to state in some detail, I am in favor of the first safeguard suggested by him, which in fact is already in the bill, but am opposed to the remaining three.

Before discussing the individual proposed safeguards it seems desirable to be reminded of the background for this legislation. Prior to the decision of the Supreme Court in *Mallory v. United States*, 354 U.S. 449, June 24, 1957, the Federal rule, in fact the general rule, governing the admissibility of confessions