tion's Capital. It was a few weeks after the *Mallory* decision that I was asked what the result of the rule would be. I said that the crime curve, that had descended at that time every month for over 5 years, would turn back upward. The ascent began with the next monthly report (July 1957) and has continued to rise for the past 6 years. My experience from 1928 to 1934 in the U.S. attorney's office was in this specific field, handling legal questions related to suppression of evidence, and I feel that we have a question of psychology and morale of the criminally inclined versus the psychology and morale of the individual policemen in the performance of their duty, which has a real bearing on the efficiency of law enforcement. This consideration, combined with the technical disadvantages of the prosecutor in obtaining convictions, requires, in the opinion of the Citizens' Crime Commission, an effective modification of the *Mallory* rule, and it feels that such modification is contained in H.R. 7525; but that it would not be the result of passage of H.R. 5726. Under H.R. 5726 matters would only grow worse, and it is not felt that such hedging is required to stay within the limitations of the U.S. Constitution.

I appreciate this opportunity to forward these comments for the Citizens' Crime Commission.

Respectfully yours,

ROBERT E. MCLAUGHLIN,
President, Citizens' Crime Commission of Metropolitan Washington.

NOVEMBER 14, 1963.

Prof. ARTHUR SUTHERLAND,
School of Law,
Harvard University,
Cambridge, Mass.

DEAR PROFESSOR SUTHERLAND: This committee has before it for consideration legislation passed on August 12, 1963, by the House of Representatives which, under title I thereof, would substantially abrogate the *McNabb-Mallory* rule in the District of Columbia. (Copy of this bill enclosed herewith and your attention is directed to title I, starting on p. 1.)

This committee has been advised that you are presently serving in a capacity as the reporter for a study by the American Law Institute of the rule in the *Mallory* case and related problems as they concern prearraignment procedures in criminal cases and the entire area dealing with an arrested person before he sees a magistrate.

Because this is a complex question and since any action by the Congress on such legislation even though this particular legislation concerns itself only with the District of Columbia but, nevertheless, might have a far-reaching effect, could you advise this committee of the scope of your assignment and the possible date of its conclusion? This question has already been raised and will probably be raised again as the committee continues its examination into this subject matter. This committee has held a series of hearings during the past 2 months on this and other criminal subjects contained in the enclosed bill.

Any information you can provide to the committee, as requested, would be deeply appreciated.

Cordially,

ALAN BIBLE.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., November 19, 1963.

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

DEAR SENATOR BIBLE: This letter is written to answer yours of November 14, 1963, in which you ask about the scope and the expected time of conclusion of the American Law Institute's prearraignment study.

The scope of this matter is quite wide. We have undertaken to study as comprehensively as possible the legal situation arising when some person is first suspected of crime until the time when he is first produced before a judicial officer. We are still in the early stages of this matter. This covers a number of areas as you will see, including at least surveillance by various means, mechanical and otherwise; search and seizure; detention and arrest; interroga-