Mr. CONYERS. Mr. Chairman, I would like to join those who have spoken against H.R. 5688, the omnibus District of Columbia crime bill and strongly urge its recommittal or defeat.

During the last few weeks the entire country has had its attention focused on Selma, Ala., largely because of the unjustified and unconstitutional use of local police powers. Certainly at this time we should be particularly careful and responsible about authorizing police procedures in the local jurisdiction for which we have special responsibility—the District of Columbia. The entire country will be guided by our actions today.

I would like to call to the attention of my colleagues the communication I received in connection with this bill that was signed by many members of the District of Columbia Committee. Many members of this committee are attorneys and at least two of them are members of the House Committee on Judiciary and so are particularly sensitive to the need for proper legal procedures. They pointed out that this measure is being rushed through committee and this House without proper consideration. No public hearings have been held on this bill at all. In early 1963 the District of Columbia Committee held hearings on the general subject of crime in the District, but many proposals included in this bill were not discussed even then. I was shocked to find that the committee report, 153 pages long, only became available 3 days ago. Most disturbing is the fact that even the members of the District of Columbia Committee who oppose this bill did not have an opportunity to read the majority report before they wrote their dissenting views. Certainly we should have more adequate consideration of such an important measure than H.R. 5688 has received so far.

As an attorney and as a member of the House Judiciary Committee, I would particularly like to discuss one of the most dangerous aspects of this bill—the reclassification of a number of more minor crimes into major offenses and the setting of a mandatory minimum sentence for the committing of certain offenses.

The mandatory minimum sentence has been placed into the bill despite the opposition of the District Commissioners, the chief of police, the head of the District of Columbia Bureau of Corrections, the Justice Department, and the head of the Federal Bureau of Corrections.

These gentlemen believe as I do that such a provision will act to the detriment of what the proposers of this bill are trying to achieve—a crime-free city. No jury can fail to be cognizant of the consequences of its acts. If a mandatory minimum sentence were established, a jury feeling that such a sentence were too strong might be tempted to acquit a clearly guilty person. This has been done often in capital cases despite the disqualification of jurors who are willing to admit that capital punishment appears to be a too severe punishment to them.

Mr. Chairman, as a Representative of an urban district, I am well aware that crime is increasing during the 1960's to crisis proportions. In Detroit, before my election to this great body, I was actively concerned with the problems of police-community relations, police brutality, civil liberties, and urban crime. I am keenly aware of the necessity to deal with these problems. But if we are to deal adequately with this crisis, we must do it with wisdom and humanity, not with the retrogressive and unconstitutional measures included in this bill.

President Johnson demonstrated his concern with this problem when he announced his decision to appoint a Presidential Commission on Crime in the District of Columbia. Certainly it would be far better for us to await the report of that Commission than to pass this hastily-considered and ill-advised legislation.

Mr. Chairman, I particularly want to praise the members of the District of Columbia Committee who filed the minority report on this bill. Their report is cogent and exhaustive in its analysis of the bill. Let me read to my colleagues the three main points the minority report makes in its opening discussion of the bill:

A. The bill is being rushed through without hearings or adequate consideration.

B. The bill is badly drafted, unconstitutional, unworkable, unduly harsh, and inadequate for the needs of the District.

C. The Senate District committee's criticisms of the House bill further illustrate how objectionable H.R. 946 is.

Mr. Chairman, the minority report is of such quality, that I would like to use the opening and closing summary statements of the minority report as my closing remarks in urging the defeat of this bill:

MINORITY VIEWS—H.R. 5688

OPENING STATEMENT

We dissent from the majority report recommending passage of H.R. 5688. We think that the committee amendments are wholly insufficient to correct the basic deficiencies of the bill. We urge the House to reject the bill.

This bill incorporates many of the worst features of a series of bills which have been considered by this committee in recent years. It proposes harsh and repressive measures to punish the criminal symptoms of the social and economic misery within the District of Columbia. Its disregard of the basic requirements of the Constitution puts human values at the bottom of the legislative scale. It ignores the President's call, in his message to Congress of February 15, 1965 (H. Doc. 87, 89th Cong.), for "a fair and effective system of law enforcement" and "imaginative improvements in the entire legal and social structure of our criminal law and its administration." It takes no account of the President's simultaneous statement that he will "establish a commission which will concern itself specifically with crime and law enforcement in the District." And it is inconsistent with the President's recent message to Congress concerning crime (Mar. 8, 1965, H. Doc. 103, 89th Cong.), where he said: "We are not prepared in our democratic system to pay for improved law enforcement by unreasonable limitations on the individual protections which ennoble our system."

CONCLUSION

This bill is a repressive and unpalatable measure, whether considered section by section, or as a whole. If it were adopted for the District of Columbia, it would undoubtedly serve as a precedent and pattern for the enactment of similar legislation by State and municipal legislative bodies. It thus poses a danger to liberty and freedom and good government, not only in the narrow confines of the District of Columbia, but also throughout the United States.

We urge and hope that this bill will be rejected and killed.

FRANK HORTON.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I rise to oppose the passage of this proposed legislation and I do so with some feeling of regret because it mars the record of cooperation which the gentleman from North Carolina [Mr. WHITENER] and I have been able to achieve in matters that affect the Nation's Capital. Although we differ in our views on this particular legislation I think that the gentleman from North Carolina certainly deserves the highest credit for his intense interest in affairs of Washington and for the very many contributions that he has made. I am forced, however, to differ with him on this occasion by the provisions that are contained in this bill and by the very serious questions that I have in my own mind about it and the serious questions that are raised by people throughout the Nation's Capital.

Very many members of the District of Columbia Bar Association happen to be constituents of mine, living in the adjoining parts of Maryland and I think it should be known here in this House that the District of Columbia Bar Association is overwhelmingly in opposition to this bill.

The Justice Department has opposed this bill. I do not think it is enough for us simply to say that the Justice Department is opposed to it, but I think the Members of the House are entitled to know why the Justice Department is opposed to it.

When this legislation, with some modifications, was before the House last year, the then Deputy Attorney General, Mr. Katzenbach, who is now the Attorney General of the United States, had occasion to analyze it rather carefully in a letter dated September 13, 1963, addressed to the chairman of the Committee on the District of Columbia of the other body. I shall make every effort to interpolate his analysis of that bill accurately to relate it to this one, with due regard to the changes that have been made.

Of title I, which has not been changed, the Attorney General said:

It does not provide adequate standards or maintain necessary safeguards.

This is the Attorney General's considered view of the Mallory rule provision title in the bill which is now before the House. I repeat it:

It does not provide adequate standards or maintain necessary safeguards.

Unfortunately, the Attorney General was not before us in this session of Congress to give his current views on the Mallory rule and its effect on the administration of justice. I doubt that he would have changed his views on title I this year. But I think at least it would have been helpful if we had his current views on this legislation.

With respect to the Durham rule the Attorney General was equally decisive.