

I think you are making a far-reaching move to do this.

I think that in a case where you are now examining a procedural provision, not a constitutional provision—because I am conscious, Senator, of my oath to defend the Constitution of the United States, and I know you feel the same way. And, of course, we are here now determining how these procedural changes are creeping into constitutional interpretations. If this is true, I will back away.

The CHAIRMAN. This gets us right into the most difficult area. The enactment into law of a provision such as that contained in title I, that will stand the court tests.

I believe I understand what you are saying. You are hopeful that a statute can be enacted, and that we will get one final decision from the highest court of the land, and that decision will serve as a guide to every police officer. This is what you are saying, I think.

Sheriff CANLIS. This is what I am saying. And I will say it clear, too, Senator, because I think that we need this from you, from the Congress of the United States—that these directions be made.

The rules of conduct should be applied within the framework of the Constitution that will guide us in our operations.

The CHAIRMAN. Thank you.

Sheriff CANLIS. For the law enforcement officer, the time-proven deterrents to crime, are sure detection, swift apprehension, and certainty of punishment. Each is a necessary ingredient. However, if apprehension has to wait on a formal order and appearance, the modern jet engine and other forms of high-speed transportation relocates the defendant beyond reach, with the fruits of the crime and other physical evidence.

Crime knows no time table excepting that which describes its frequency of occurrence, and criminals too, like the weekend and the early morning hours, and in my 25 years, I don't recall very many active courtrooms or lighted chambers or recorded availability of the judge or commissioners during these periods.

It is incredible and unbelievable indeed, that men learned in the law, who are familiar with the activities of criminals, would propose that we should not question suspects at all. Yet this is the case. It is not inconceivable then that an innocent person who under the appropriate circumstances, such as to indicate to a reasonable man, that he could in fact be the person described by a victim, would suffer the indignity of being formally charged and eventually, we hope, released.

I have not found however, the description of time as applicable to the courts as it is applied to peace officers, although the Constitution specifically provides for speedy trials. It is not outside the realm of possibility and in fact it is reality, that some court proceedings take many days and many months, and it is further regulated in some areas as to not more than 30 days without consent of the defendant.

This is relevant then, because in a matter of a few hours of inquiry and interrogation, the true participation of a person could be determined and certainty of identity could be established or the victims can fail to identify or signify that they will refuse to prosecute, and the defendant will be immediately discharged.

You should also be aware that many, many people who come to the attention of the police, are never charged with a criminal offense as a result of their interrogation and the immediate substantiation of mitigating circumstances. Also close questions of law are usually