

nize the fact that what he is doing is in the public interest and requires this kind of inconvenience on my part as on individual.

These are the prices we pay for the privilege of living in an orderly society. Everything we do as law-abiding citizens today is circumscribed by considerations of public welfare and public safety. We have accepted this.

I think we have a right, therefore, to require criminals or those persons who are reasonably suspected of being criminals to make a similar confession.

Thank you very much.

The CHAIRMAN. May I ask a question in connection with the concluding part of your very fine statement where you discussed title III of the bill.

Now, are investigative arrests sanctioned in the State of Illinois?

Mr. INBAU. In effect, they are.

The CHAIRMAN. In effect they are. Is it written into the statute?

Mr. INBAU. No, it is not in the statute, Mr. Chairman. But as I mentioned earlier, there is a recent Illinois Supreme Court decision, the case of *Escobido*, in which the Illinois Supreme Court recognized the fact that the police need this opportunity to complete this investigation after an arrest and before taking an individual before a judge for a formal charge.

The CHAIRMAN. I thought that case went to the admissibility of a confession.

Mr. INBAU. Well, it did. But the court very specifically said that the police need this opportunity. It stated that in the opinion.

The CHAIRMAN. If you have a citation that could be furnished to the staff, we would appreciate it.

In your opinion, is title III a constitutional provision?

Mr. INBAU. Yes, sir.

The CHAIRMAN. My understanding is the lawyers who have studied it rather exhaustively here in the District of Columbia seem to have grave doubts as to the constitutionality of this particular provision.

Mr. INBAU. The constitutionality has been upheld by a couple of State supreme court decisions in States which have the Uniform Arrest Act, after which this one is modeled. Now, it seem to me if you have the supreme court of a couple of States upholding the constitutionality of it, Congress is privileged to take a chance on its constitutionality, despite the fact that there are some lawyers who have grave doubts.

The CHAIRMAN. Would those State supreme court decisions find their way to the U.S. Supreme Court, and there be denied on certiorari?

Mr. INBAU. As a matter of fact, certiorari was denied in one of those cases. Now, that does not mean the U.S. Supreme Court approved it. The Court has always said that it is not to be accepted as an approval of what was done below—the mere denial of certiorari. But the Supreme Court did in one of those cases.

The CHAIRMAN. Well, in your judgment, based upon two or three Supreme Court decisions which hold the uniform arrest statute constitutional, you would think that the investigative arrest provision in title 3 would be held constitutional.