

is contained in this statute and the experience during World War II showed that this was an utterly meaningless right.

Interrogation would be conducted of the suspect or the person who was detained without informing him of his rights. After he confessed, he would then be arrested and then informed of his rights.

Now, as the result, the Senate placed into the Uniform Code of Military Justice in 1950 a provision requiring anyone who was suspected of an offense to be informed of his rights to take care of just the kind of evils which had resulted from the statute which only required a warning to be given to people who had been placed in the state of arrest.

I think it is significant that the House chose the old statute and discarded the military law of the Senate in 1950 in order to pass the particular language contained in this act. I might add that the new section of the Uniform Code requires each individual who is suspected of an offense to be informed of his rights, has proved not very effective in practice. The number of confessions was the same, as always happens in the military simply because of the fact that the use of persuasive interrogation devices, such as those proposed by Professor Inbau, are such that the 19-year-old without any prior association with criminal law is unable to remain silent, even though he is informed by a police officer that he possesses that right.

I also have severe question as to the extent to which police efficiency has been impaired by the present ruling. Undoubtedly, there are occasions, cases which could be pointed to. I have great sympathy with the police feeling that, in order to educate younger officers, it is necessary to tell them how far they can go in the present state of the law and if this is not done, consequently, an officer does not know when he violates the law and I have a tremendous degree of sympathy for them there.

I think it is clear to everyone that as long as they interrogate only during the period of arrest, taking him to the precinct and only during the booking process, that it is admissible, and I think it is also clear that if they wait for more than 2 hours thereafter for purposes of interrogation, they would be inadmissible. To the extent that they desire to interrogate before booking, but before 2 hours, they could, of course, instruct officers not to interrogate after booking, but there is a natural reluctance to stop before they are required to stop when they are trying to do their duty in solving a crime.

There are undoubtedly cases which cannot be solved by the police unless there is a period of time in which the suspect might be interrogated in secret without the presence of his counsel. These are cases in which the identity of the defendant cannot be established by the prosecuting witness, and he cannot make a case without some kind of an admission. The *Killough* case, I think, is a pretty good example. The chief of police gives other examples and they are well taken.

On most of these cases, however, there are cases where the police may not lawfully arrest in the first place, because the reason why they cannot make the case is because they do not have probable cause and there are only two cases in my experience where they had probable cause for arrest and where the admission is absolutely necessary for the prosecution, but the vast majority of cases are cases which can be made if they had probable cause for arrest in the first place.