

Mr. HARRIS. There is no limit to how far they can go in interrogating him. There is no limit whatsoever—provided that they had probable cause to arrest him in the first place.

You see, *Mallory* doesn't say, and nobody advocates the fact that a police officer cannot question anybody. *Mallory* is trying to enforce 5(a), which in turn, in a left-handed sort of way, is trying to say that a police official should arrest with probable cause.

If I am arrested with probable cause, you have a right to ask all the questions you see fit, as long as within a reasonable time you take me before the U.S. commissioner. Now, a reasonable time might be 1 hour, 1 minute, or maybe in some instances, several hours, or half a day.

During that time, it is not unconstitutional, it is not against the law to ask as many questions as you see fit.

Now, I say that that has one limitation. The suspect or the arrestee should be advised of his constitutional right to refuse to give self-incriminatory testimony.

The CHAIRMAN. Any statement may be used against him.

Mr. HARRIS. That is correct.

The CHAIRMAN. That is the second part of title I as it now is before us. Of course the statement has been made that that is a little sugar coating, that actually this is something that would be pretty hard to determine in any event, as a matter of proof.

Mr. HARRIS. That is correct. And as a matter of my experience in the trying of criminal cases, I have never experienced, nor have I ever heard of a police official, a police officer, coming down and saying that "I did not advise the suspect of his constitutional rights."

Now, I must imagine that in the normal course of events somebody, in the normal course, might have forgotten. But I have never heard it said in court.

The CHAIRMAN. In other words, you sometimes question whether it is done.

Mr. HARRIS. That is correct. And also sometimes it can be done in a fashion, while the actual words and phrases are used, the suspect is led to believe that a contrary result is true. And that can be done by a skillful officer, and the suspect would admit that these words were used. But he would get a feeling that by his cooperation certain things, certain benefits would inure to him that otherwise would not.

This sometimes happens when a man is sentenced and he is brought in the District of Columbia before the district court. Here now of late they must always be asked: "Have you ever been made any promises?"

Now, these law-enforcement officers don't make promises, and sometimes they do tell a suspect, "You know, anything you say may be used against you, but I want you to tell me this," and then they go on from there. But see, the phrase can be given and then nullified by the subsequent conversation.

The suspect often is an unlettered man, very little academic skill, and when asked, "Did Officer X say to you that anything you say may be used against you?" he would say, "Yes."

And then the next question—he never gets a question to say what Officer X told him after that—if he told him so and so he probably would go free, or words to that effect, or leading the suspect to believe it.

I don't believe that we—when I say "we," I mean the citizens of