

to it. It is a responsible witness other than a law enforcement officer observing the questioning or a verbatim transcript or recording being made of the interrogation. That is the fourth safeguard suggested by the Department of Justice. What would your comment be with regard to that?

Mr. MURRAY. That is a recording you are speaking of?

The CHAIRMAN. He puts them together. He says it is an either/or proposition; either a responsible witness other than the law enforcement officer observing the questioning, or a verbatim transcript or recording of the interrogation.

Mr. MURRAY. I would not have any serious objection to that at all.

The CHAIRMAN. If that was built into the law?

Mr. MURRAY. Yes, sir.

The CHAIRMAN. Then you would have no objection to the fourth safeguard?

Mr. MURRAY. No, sir. I think that perhaps would work to our advantage at the trial as it has in many other cases where we had a homicide case or a rape case where we used a third party.

The CHAIRMAN. Now the third safeguard he suggests, Chief, is a maximum of 6 hours elapsed time between arrest and completion of the confession. That is the third safeguard suggested by the Department of Justice.

Mr. MURRAY. I think, Mr. Chairman, there are many cases that can be ready for court in much less than 6 hours, but as the Senator from Colorado mentioned, if a criminal knows that all he has to do is sit tight for 6 hours, he may sit tight for 6 hours and not say anything. I think a time limitation should be decided by the judge, if it is a reasonable length of time.

The CHAIRMAN. Please correct me if I am misstating your position in any respect. The Department of Justice suggests four safeguards be built into corrective legislation if the Congress, in its wisdom, sees fit to enact corrective legislation because of the *Mallory* rule.

The first one is the question of plain warning, which is very similar to 1(b) now before us, and I understand you to say that you would see no objection to the first safeguard. Do you or do you not follow this practice at the present time?

Mr. MURRAY. We do follow this practice.

The CHAIRMAN. So obviously you have no objection to No. 1?

Mr. MURRAY. No, sir.

The CHAIRMAN. No. 2, if I understood you correctly, it says the arrested person being afforded a reasonable opportunity to notify a relative or friend and consult with counsel of his choosing.

I understood you to say that you objected, that you thought his being given the opportunity to notify a friend might cause difficulties because it might be a confederate or an accomplice and he could warn them to dispose of the loot or something like that.

Mr. MURRAY. I think to notify an attorney or a relative would be all right. I would not object to that. But I think they could go fairly far afield on notifying friends.

The CHAIRMAN. Then No. 3, you just stated your objections to the third safeguard, which is a maximum of 6 hours elapsed time between arrest and the completion of the confession.