

Mr. MURRAY. Well, they are presumed innocent until they are convicted in court.

Senator DOMINICK. Again just to reemphasize what the chairman said, as far as you can see right now, recommendations one and two of Mr. Katzenbach would not impose any particular difficulty in your procedure as long as you eliminated the word "friend."

Mr. MURRAY. Yes, sir; that is correct.

Senator DOMINICK. This would be true even if that were interpreted to mean that before you could cross-examine a prisoner, he would be entitled to consult an attorney of his own choosing?

Mr. MURRAY. Well, yes. But I have never run into an attorney yet that would not advise his client not to talk to the police. We know when an attorney comes in that his client is not going to talk to the police about the case. He is going to advise him not to incriminate himself.

But at that same time, Senator, I know that when I worked in homicide 20 years ago that we had a person in there and he said, "I want a lawyer," why there is no use wasting time with him. Just get him a lawyer. Let him call a lawyer.

The CHAIRMAN. At that point, what if he does not ask for a lawyer? Do you advise him of his rights to have an attorney?

Mr. MURRAY. He is advised that he doesn't have to make a statement.

The CHAIRMAN. That wasn't my question.

Mr. MURRAY. No, sir.

The CHAIRMAN. You do not advise him?

Mr. MURRAY. No, sir. If he asks for a lawyer, he is given a telephone book, or if he knows a lawyer he can call a lawyer.

The CHAIRMAN. But he must initiate the request?

Mr. MURRAY. Yes, sir.

The CHAIRMAN. The police do not suggest it?

Mr. MURRAY. That is right.

The CHAIRMAN. The answer is "No," is that correct?

Mr. MURRAY. That is right.

The CHAIRMAN. The Senator from Colorado?

Senator DOMINICK. That is all.

The CHAIRMAN. The Senator from New Hampshire?

Senator MCINTYRE. Shifting to title III for a minute, just one thing bothers me and that is the opportunity for abuse on these investigative arrests. How would the police department go about making certain that no abuses followed under this title III?

I will explain myself a little better. I don't care how good a police force you have, you are always bound to get one or two that have got some sort of tendency or characteristics, and I feel that the investigative arrest gives an opportunity for abuse and for mistreatment of some individuals that this particular police officer may have it in for. Now what precautions can you take as Chief of Police to keep this as a very limited occurrence?

Mr. MURRAY. Senator, we certainly would not stand for anyone using their office as police officer to bring someone in to carry out a grudge against anyone. I am sure that we would not stand for anything like that.