

Mr. BENTON. Now, if I may go a step further, I might say, in passing, that the same thing, the same general rules seem to apply so far as capital punishment is concerned in the District of Columbia.

In other words, it does not make much difference actually as to whether or not a person likes to be punished severely. I mean, this is by way of collateral reference, so to speak.

The area in which this proposed law will operate, and the people that it is likely to affect—they are not going to really know about it in advance anyway. I mean, they do not really read the papers. They do not listen to the radio.

They are not aware of the fact that there is any law being considered now, the ones who are really going to be affected.

So, actually, I do not think we are going to accomplish much really in reference to title I.

Now, also in that connection I would like to say this, that from my experience in dealing with these people, who have been involved in the commission of crimes, and I have had some experience in handling criminal cases both in the U.S. District Court for the District of Columbia and also in the District court of general sessions and there particularly, in the court of general sessions, you come in contact with some of the so-called lowest element of society, the people who are very earthy, and they frequently have told me on various occasions that they did not know they did not have to make any statement.

As a matter of fact, some—I have asked some of them. I said, "Did you make any statement to the police officer," and they have said, "No, I didn't make any statement."

Of course, some were lying on that and I did not realize, until it came time for trial, that there had been a confession signed.

So, naturally, when it came time to try to get the confession suppressed it really resolved itself into a question of credibility between the officers and what the defendant said. So the defendant usually has not witnesses to support what he has said.

So a lot of times the court has no alternative—I mean, he has to more or less go by what the officer says; the credibility is better.

So my position in this regard is this particular title I, as I understand it, says that a mere delay in itself shall not be the cause of refusing to having a confession admitted as long as the confession is voluntarily made.

Now, I submit that the very fact that there is a delay, that in itself, is a form of coercion. In other words, that is the only weapon in many instances that a defendant would have to protect himself.

That is the only thing that would be accurately recorded. For instance, at the time that he is arrested or the time he is arrested, for instance, that perhaps could be checked by documentary evidence or the time that he appeared before a committing magistrate.

Those factors could be checked through documentary evidence, but what happened in between, whether or not he did make a statement or whether he did not make a statement, sometimes cannot be proved.

I mean, if he says he didn't, he cannot prove it.

And also in connection—in the same connection, the same people, these little people, the people who are uninitiated, the uninformed, usually when they get locked up they do not really—they do not think about the lawyer first. The first thing they think about is a bondsman.