

"Can I get out of here; how can I get out?" That is all they are concerned about. They are not concerned about what their rights are.

So, actually, that is an area in which the law enforcement officer has an opportunity to take advantage of one. In other words, there have been cases, and I have had personal experience with this, where the defendant has told me that he wanted to talk with an officer first because the officer told him that he was going to see that he had bond and was going to let him get out.

So he wanted to talk to him first before he talked to a lawyer. That is a matter that has actually happened, and I have had personal experience in that connection.

And, of course, we have this problem also insofar as confessions are concerned as to the manner in which a confession is given.

There have been situations where the defendant would be brought into a precinct and he would be asked to give a statement. Now, contrary to popular belief, in many cases he is not told at that time that he does not have to make a statement or that any statement he makes may be used against him.

As a practical matter, what really happens is the officer tells him, "Well, you want to get out, don't you?"

"I am going to see that you get a bondsman. Just tell me what happened."

Well, the defendant may or may not. He may relate in abbreviated terms what he considered to be the facts. The officer, a lot of times, will go and reduce that to writing by a typewriter or he will usually incorporate his own version or; that is, his view of the case, and then he will bring it back to this defendant to sign it and a lot of times the defendant cannot even read. He can hardly sign his name. That is an actual fact.

Usually, at the very beginning of the typewritten version, they will also have—at the very beginning there will be the statement that the defendant was advised of his rights and, of course, usually it is just a simple statement that he was advised of his rights without bothering to explain what those rights are or bothering to make it clear that the defendant really understood what his rights were.

So in those cases a lot of times the confession is held admissible on the ground that it was voluntary when, in fact, it was not.

The defendant generally has no defense then and, therefore, I say the delay factor itself could be very important.

That is why I say it is very important that that be maintained as a protective measure against these poor illiterate people.

I would like to direct the chairman's attention to a recent case—well, it was not exactly a recent case, but it was decided not too long ago, and it bears on this point and it is on page 4 of the prepared statement, but that gives—

The CHAIRMAN. *United States v. Mitchell*?

Mr. BENTON. Yes, *United States v. Mitchell* which, I think, is a good example of that.

Now, in that case, of course, it was alleged that Mitchell confessed immediately to certain crimes and, of course, after having made a confession he was held for a period of some 8 days before he was taken to a committing magistrate.

But the point I was trying to make is that later, when he was tried, of course, he tried to have his confession suppressed and eventually