Another major recommendation which I make regarding this fourth proposed safeguard is that any such provision include the words "whenever reasonably possible" as contained in H.R. 5726. Although we can certainly provide recording equipment for most questionings within headquarters and precinct offices, it must be foreseen that there will be some instances where questioning of suspects and their confessions will take place at times and locations where neither "responsible" third parties nor recording equipment are available. The inclusion of the "whenever reasonably possible" phrase should guard against loss of such confessions because of the exigencies of the moment and through no fault of the police.

II. TESTIMONY OF OTHER WITNESSES

At the hearings, you asked for my comments on testimony given by some preceding witnesses on title I and title III of H.R. 7525. I have had an opportunity to review the testimony of the various witnesses and am happy to furnish the following explanations and comments.

On examination of the testimony of various witnesses who opposed these titles of the bill, I found a number of concepts and viewpoints with which I disagree. As my disagreement in those general areas will be readily evident from my own statement and testimony to the committee, I will not attempt in this writing to debate the major issues involved in this proposed legislation. However, there are a number of statements, offered by some witnesses, which are not a true representation of facts. To insure that the committee has a clear picture on which to base its judgments, I do want to offer some more accurate information regarding these statements.

First, Mr. George W. Shadoan disputes our argument that we need time to detain and interrogate a suspect in order that we will be able to check out his story in cases of shaky identification, to verify his alibi, and to thus avoid placing a criminal charge against an innocent person. He argues that the common police approach is to secure enough evidence to meet the requirement of probable cause before a committing magistrate, to meet the evidentiary requirements of the prosecuting attorney, and to then stop the investigation. He characterizes this as the "clearance concept."

In support of his argument, he offers two criminal cases: namely, *United States* v. *Joseph Taylor*, and *United States* v. *William Kemp*. I think it may be illuminating to the committee to place in the record some facts of record which Mr. Shadoan did not relate.

First, for example, in the case against Joseph Taylor, it was admitted that the complaining witness had been severely cut about the face with a broken bottle. In this connection, it is noteworthy that as a result of the injury the complaining witness was admitted to the hospital in an undetermined condition.

We are not able to determine whether or not it is true that the defendant, at the time of his arrest, claimed that he had acted in self-defense against a drunken and unprovoked attack.

Whether or not the defendant told the officer that he acted in self-defense, or whether he did in fact act in self-defense, the circumstances of such a case then and now would require that the defendant be taken into custody. There was no question then and there is none now that the defendant did actually severely injure the complaining witness with a broken bottle. It is not always possible to examine every possible extenuating circumstance in a case where the person arrested has clearly committed a criminal offense. On the other hand, had the identification of the accused been less than positive in this case, and had the accused claimed that he had not actually injured the complaining witness, the policy of this department would have required the officer to examine the case further to insure that the real offender was being arrested.

Incidentally, although the arrest records of the complaining witness and the defendant in this case obviously have no real bearing on the matter under examination, those records were related in part in the original testimony to the committee; I think the full record may be of even greater interest to the committee. Mr. Shadoan testified, "[The complaining witness] had been convicted of public drunkenness 17 times since 1945, disorderly conduct 4 times in that period, and had been charged with simple assault and assault with a deadly weapon himself, both of which had been dropped for want of prosecution * * * the accused I think had had a charge himself of simple assault at South Carolina at some time." Interestingly enough, our records show that the accused, prior to the offense in question, had been charged 15 times with drunkenness, 12 times with disorderly conduct, once with pandering, 3 times with miscellaneous misde-