

arrested him and took him to the "Safe Squad Office"³ at police headquarters where he readily and voluntarily made a full confession in ten minutes.

Thus we have presented a situation which *McNabb*, *Upshaw*,⁴ *Mallory*, and their progeny were intended to avoid: allegations of police brutality in abstracting a confession before the person arrested comes under the protection of the committing magistrate, and a denial of the brutality by the police. Congress and the courts have realized that the testimony of a lone defendant under these circumstances is ordinarily no match for testimony from several police officers who could not, of course, be expected to admit brutality in any event, since one who would be guilty of such conduct would find little difficulty in denying it under oath.⁵ On the other hand, Congress and the courts have also recognized that many of the claims of police brutality have little substance, but, nevertheless, are sometimes given credence when arrested persons are unduly delayed in police custody before being transferred to judicial custody. These twin evils Rule 5(a) was designed to eliminate.

Mallory, in declaring an uncoerced confession obtained in violation of Rule 5(a) inadmissible in evidence, stated that an arrested person "is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself, even if not so designed, to eliciting damag-

³ It appears that the "Safe Squad Office" is one of several rooms at police headquarters similar to the "Homicide Squad Office," the "Vice Squad Office," and the "Stolen Vehicle Office," where investigation and interrogation with respect to particular crimes are conducted by officers experienced in these specialties.

⁴ *Upshaw v. United States*, 335 U.S. 410 (1948).

⁵ See Hogan and Snee, *The McNabb-Mallory Rule: Its Rise, Rationale and Rescue*, 47 Geo.L.J. 1, 27 (1958).