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# Department of Justice

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Washington--Attorney General John N. Mitchell disclosed today that the Department of Justice will seek to introduce into criminal trials some "voluntary" confessions obtained from suspected criminals who were not fully warned of their rights to counsel.

The Justice Department policy, the Attorney General said, was in line with the provisions of the 1968 Omnibus Crime Bill passed in June 1968. The bill said that pre-interrogation warnings -- required by the Supreme Court in Miranda v. Arizona -- should only be considered as one aspect of whether the confession was voluntary.

Since June, the Department of Justice had automatically conceded error in all cases where the full warning was not given.

The Attorney General explained that, "in general, federal lawyers and law enforcement officials will continue the present practice of giving a suspect a full warning of his right to remain silent, of his right to an appointed or retained counsel, and of his right to terminate his questioning whenever he chooses."

"However," the Attorney General said, "if a federal official inadvertently fails to give a full warning, the Department of Justice now believes that the confession may still be a voluntary confession and should be presented to the court as evidence."

"That is to say, we believe that a failure to give a full warning does not necessarily mean that the confession is invalid and that the Department should automatically concede error."

The Attorney General also disclosed that the Department had adopted a new policy concerning the Supreme Court requirement that a criminal suspect must be offered a lawyer during a police lineup identification.

Mr. Mitchell said that his new policy was also adopted in line with the Omnibus Crime bill which said that the failure to have a counsel present was only a factor to be considered in whether the lineup procedure was fair.

"Where we are convinced that the lineup was fair -- for example, where the suspect was lined up with suspects of similar characteristics -- we will attempt to introduce the lineup identification on the ground that it was based on an independent recollection and not on inherently coercive features of the lineup procedures."

"I know," Mr. Mitchell said, "that we may be subject to criticism by some for establishing these new policies. And I believe they will be useful, fair tools for law enforcement, and I am hopeful that the courts will uphold our position."