

Miranda: More Than Words

Thank you, Atty. Wexler, for your kind introduction.

On Friday, March 30, 1934, a spring day in Kemper County, Mississippi, the brutally bludgeoned body of a 60 year old white cotton planter, was discovered in the cotton seed room of his home. On the night of the murder, a deputy sheriff and some other men brought one of the suspects to the victim's home, where a mob tied the suspect to a tree and whipped him. When he denied involvement in the murder, the men hung him by his neck from a tree limb and repeated the process until he confessed.

By the following Friday, an all-white jury delivered verdicts of guilty against three of the victim's black tenant farmers. Just one month later, a judge sentenced all three to death by hanging. The case against the suspects was based entirely upon their confessions, all of which were obtained by torture. A unanimous Supreme Court ultimately reversed the state conviction and ruled that a conviction based upon a coerced confession offended the Due Process Clause of the Fourteenth Amendment.

It was the first time the Court applied due process to a state conviction and it is one of the three cases that helped lead to Miranda v. Arizona, which brings us to this year's theme, "Miranda, More Than Words."

The Miranda warnings are quite common today. We've heard the familiar warnings countless times in crime dramas and movies: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. I am sure most, if not all of you, could recite the remaining few lines. These words have been recited so often they don't seem to be anything extraordinary; they are just standard criminal procedure when someone is in custody and questioned by the police.

But the case I just mentioned, Brown v. Mississippi – a mere 80 years ago, makes it apparent why Miranda is so significant. The many decades before 1966 were a time of huge social change, including desegregation and the civil rights movement - a time when interrogation practices across the country included third degree methods ranging from psychological coercion to outright torture. In 1966, when the Court adopted the Miranda warnings, there was strong opposition to the decision. Many people saw the Court as limiting the ability of police to investigate

crime. As we now know, Miranda has not impeded police investigation; but it **WAS a turning point** in how individuals were treated by the criminal justice system.

The second case leading to Miranda is Ashcraft v. Tennessee in 1944. The police here detained Ashcraft and questioned him for thirty-six hours straight. During this entire time, Ashcraft was not allowed any rest and received only a five-minute break. Ashcraft argued that his confession was coerced because he was deprived of sleep, food, and a break for such a long period of time.

The Court agreed that such circumstances amounted to a denial of due process.

At **this point**, the Court makes clear that **physically coercive** interrogation techniques were illegal. In the third case before Miranda, the Court provides direction on an individual's right to an attorney **during** interrogation. In Escobedo v. Illinois, the police arrested Escobedo and confronted him with a witness statement identifying him in a shooting. Escobedo replied by asking to speak with his lawyer. The police refused, and he thereafter made an incriminating remark. His attorney also arrived during questioning and asked to see his client, but the police refused to let him. The Court held that such a refusal violated the Sixth Amendment.

Against this backdrop and progression of cases, the Court decides Miranda v. Arizona in 1966.

The facts of the Miranda case itself are one of the most poetically ironic stories in criminal justice. Ernesto Miranda, a poor, Mexican immigrant, lived in Phoenix, Arizona. On March 2, 1963, he kidnapped an eighteen year-old woman from a movie theatre, blindfolded her, took her out into the Arizona desert, and raped her. Following the rape, Miranda drove her back to her neighborhood. The victim reported the crime, and soon after, a witness spotted a truck matching the description of Miranda's. Shortly after, police officers questioned Miranda at the police station without informing him of any of his rights; two hours later, Miranda gave a full confession. The police then showed Miranda the victim and he identified her as the girl he raped.

Relying on only the confession, a jury convicted Miranda and he was sentenced to twenty to thirty years in prison. Miranda appealed to the U.S. Supreme Court, arguing he should have been advised of his rights prior to any police questioning.

The Court agreed. It found that Miranda's confession was obtained illegally and set it aside. In its holding, the court stated "...the prosecution may not use statements,...stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards....." The court went on to describe these procedural safeguards and they are what we now know as the Miranda warnings.

On remand, the state was able to convict Miranda again, this time by relying on testimony from his estranged wife, to whom he had previously confessed.

The story doesn't quite end there. Miranda was paroled in 1972. After his release, he earned a supplemental income autographing "Miranda Warning" cards for \$1.50 per card. He decided to earn a little more money by playing in a poker game at a Phoenix bar. One of the other players caught Miranda cheating, confronted him, and ultimately stabbed and killed him. Police arrived and started to question potential suspects. The urban legend told is that police questioned the suspected killer but failed to Mirandize him; thus, the killer's statement could not be used to prosecute him.

Over the last fifty years, the reach of Miranda has not been quite as far as opponents feared nor as far as even the Supreme Court seemed to indicate and there are many exceptions that exist today.

While Miranda warnings may seem routine now, the Court's creation of these rights fifty years ago was **remarkable** given the social unrest of the time.

Miranda reinforces our fundamental commitment to preserving individual liberties and rights by establishing that **even in police custody**, all individuals retain critical rights and the police must work within these rights during an interrogation. Even when the state is pursuing interests as important as criminal justice and public safety, Miranda furthers our commitment to the Constitution and the rule of law.

I know I'm keeping you all from the reception so I will end by thanking you all for attending this year's Law Day Ceremony. I'm honored to be part of this ceremony and it has been a privilege to speak with all of you.

Thank you.