

DOWJONES | Newswires**High Court Upholds 'Miranda' Ruling On Suspects' Rights**

By Scott Ritter

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WASHINGTON -(Dow Jones)- The Supreme Court Monday reaffirmed its landmark Miranda ruling, saying police should continue to abide by the 30-year practice of warning suspects of their right to remain silent.

Ruling 7-2, the justices struck down a seldom-used 1968 statute that was meant to reverse the high court's Miranda decision two years earlier. Known as Section 3501, the law allowed prosecutors to use a voluntary confession even if police didn't warn a suspect of his Miranda rights.

Writing for the majority, Chief Justice William H. Rehnquist said the Miranda warnings - which include the right to remain silent and to have an attorney present during questioning - have a constitutional dimension that can't be undone by Congress.

"We conclude that Miranda announced a constitutional rule that Congress may not supersede legislatively," Rehnquist wrote. He added: "We decline to overrule Miranda ourselves."

Much of the high-profile debate centered on whether the Miranda rules have a "constitutional dimension" that "cannot be superseded merely by legislation," as the Justice Department argued. Solicitor General Seth P. Waxman said Miranda was drawn from the Fifth Amendment's protection against self-incrimination.

Waxman and James W. Hundley, who represented the robbery suspect in the appeal, noted that the Supreme Court has consistently applied Miranda to cases arising in state courts. If Miranda wasn't based on a constitutional right, then the high court couldn't require local police to follow its rules, they reasoned.

The justices agreed, and pointed out that Miranda has been applied by the courts for years. They said there was no reason to overrule it now.

"Miranda has become embedded in routine police practice to the point where the warnings have become part of our popular culture," Rehnquist wrote for the majority. "While we have overruled our precedents when subsequent cases have undermined their doctrinal underpinnings ... we do not believe that this has happened to the Miranda decision."

Rehnquist is one of the court's more conservative justices, so it came as a surprise that he wrote the ruling upholding Miranda. Justices Antonin Scalia and Clarence Thomas, who often find themselves aligned with the chief justice, dissented.

"Today's judgment converts Miranda from a milestone of judicial overreaching" into one of "judicial arrogance," Scalia wrote.

Section 3501 has been largely ignored over the years. But it was revived last year in a case involving a Maryland bank robbery suspect named Charles Thomas Dickerson.

Dickerson had asked a judge to throw out statements he made to federal agents at an FBI field office in Washington. He said the statements were made before investigators read him his rights, in violation of Miranda. A district court agreed.

But a divided panel of the Fourth U.S. Circuit Court of Appeals in Richmond, Va., said Dickerson's confession could be used. The court concluded that the 1968 law - rather than Miranda - "governs the admissibility of confessions in federal court."

The appellate court said Miranda simply spelled out rules of evidence and procedure. Since Miranda lacked a constitutional foundation, the Fourth Circuit reasoned, Congress was free to override it.

Utah attorney Paul G. Cassell, appointed by the court to argue in favor of the 1968 law, said Congress had the authority to replace Miranda's rigid rule with "a more nuanced approach" that takes into account all the factors surrounding the questioning of a suspect in police custody.

Interestingly, the appellate court raised the specter of the 1968 law largely on its own; prosecutors didn't cite it as a reason Dickerson's confession should be allowed into court. The last seven administrations have declined to invoke the law.

The case is Dickerson vs. U.S., 99-5525. Supreme Court Web site: <http://www.supremecourtus.gov>.

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