# US Circuit Court strikes down suspects' rights

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A federal appeals court in Richmond, Virginia ruled Monday that prosecutors may use confessions obtained from suspects who have not been informed of their rights to remain silent and retain legal counsel.

The 2-1 ruling by the 4th US Circuit Court of Appeals in Richmond, Virginia contradicts the 1966 US Supreme Court decision in the Miranda v. Arizona case, which determined that suspects must be informed of those constitutional rights. In the past three decades this landmark decision has been used by defense attorneys to argue that confessions obtained by police when they did not give the so-called Miranda warning should be inadmissible in court.

As a result of this appeals court ruling, police in the five East Coast states under its jurisdiction--Maryland, Virginia, West Virginia, North Carolina and South Carolina--will not be required to inform people under arrest of their rights. According to University of Michigan law professor Yale Kamisar, "As long as you don't beat someone or threaten someone, you don't have to give the warning anymore."

The case under consideration by the Richmond court involves Charles T. Dickerson, who confessed to driving the getaway car in a 1997 bank robbery in Alexandria, Virginia. US District Court Judge James C. Cacheris ruled that Dickerson confessed before he was given his Miranda warning, and that his statements were therefore inadmissible in court. The government appealed the District Court ruling, which has now been overruled by the Richmond federal court.

In 1968, two years after the Miranda v. Arizona ruling, Congress passed a law providing that suspects' statements made when they had not received the warning could be used as long as federal judges were certain such statements had been given voluntarily. However, this law has never been used by the Justice Department, and over the past three decades US citizens and their defense attorneys have come to view the Miranda decision as the safeguard of a critical democratic right, backed up by the US Constitution. As recently as last year Attorney General Janet Reno said the 1968 law was unconstitutional, and that Miranda would be upheld unless the Supreme Court overturned their previous decision.

The Circuit Court decision challenges these precedents. Judge Karen Williams, ruling against the Miranda rights, said: "No longer will criminals who have voluntarily confessed their crimes be released on mere technicalities." However, these "technicalities" have served as a major means of protecting defendants under conditions where confessions are routinely extracted from those under arrest by the use of threats and violence. David Cole, a professor at the Georgetown University Law Center, commented that the ruling is "very troubling because it resurrects the exploitation of inequality and coercion that the Supreme Court was so concerned about in Miranda."

The Circuit Court ruling will most likely be appealed to the Supreme Court, which will have to decide whether to reconsider its 1966 ruling, setting the stage for the possible overturning of these rights on a nationwide basis.

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