

Law Day Speech

Good morning everyone.

On behalf of the Judges, attorneys and staff of the Judicial District of Stamford/Norwalk, I would like to welcome you to our 2016 Law Day Celebration. I would also like to congratulate all of the winners of the Law Day Art and Essay Contest.

In 1958, President Eisenhower first declared “Law Day” as a day of national dedication to honor the principle of government under the law and to promote a greater understanding and appreciation of the legal system amongst students and the general public.

Every year since that day, we hold Law Day programs and celebrations like this one, nationwide. This year’s law day theme is titled: “Miranda More than Words” and celebrates the 50 year Anniversary of our United States Supreme Court decision “Miranda v. Arizona.”

This landmark case, decided in 1966, was crucial in making procedural protections and guidelines to be followed by law

enforcement across the country. These procedural protections were intended to guarantee that all persons accused of a crime, receive fair and just treatment while in police custody and while being interrogated.

To the Students:

What does police custody mean?

(A formal arrest or deprivation of freedom to the extent associated with an arrest.)

What does interrogation mean?

(Questions or actions by police that are likely to result in an incriminating response.) (a response that makes the suspect sound guilty.)

The basic policy or principle behind Miranda is to guarantee that statements or confessions given by a suspect, who is under arrest, are given voluntarily and not as a result of pressure from police.

Here are the warnings:

- (1) YOU HAVE THE RIGHT TO REMAIN SILENT
- (2) ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW
- (3) YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE THE LAWYER PRESENT WITH YOU DURING QUESTIONING IF YOU WISH

Why should a policeman give these warnings?

Police interrogations raise significant legal issues because of the competing interests that are involved in these practices.

On one side, it's important for police to get a confession from a suspect, as this could be critical to solving a crime and protecting the public.

On the other side, in their eagerness to solve a crime, law enforcement can be sometimes so aggressive that they may pressure a suspect to confess, which violates the suspect's rights and could result in a false confession. False confessions do not benefit anyone.

The Miranda decision was designed to balance these interests through the Fifth Amendment of the U.S. Constitution, which gives us the "Privilege against Self-Incrimination."

This Privilege states:

"No person shall be compelled in any criminal case to be a witness against himself."

I want to take you on a brief historical tour of the origins of the Privilege against Self-Incrimination.

During the 16th Century, in much of Europe, confessions from an accused person were often obtained through the use of torture and holding people in dark and filthy dungeons for long periods of time. In almost all major states in Europe, physical torture was legally and routinely used to investigate crime and obtain confessions. These abusive practices were not stopped until the mid 18th Century, when the abolitionist movement raised concerns and pointed to numerous cases where innocent people had confessed to crimes that they had not committed.

In Medieval England, the English courts adopted the accusatorial system of criminal justice to bring someone to trial. This system is much like our criminal justice process today, where two or more opposing parties gather and present evidence and arguments to a Judge. The Judge acts as a referee between the prosecution and defense and is the ultimate decision maker.

By the late 18th Century, English courts began to recognize the Presumption of Innocence and gave the accused person the right against self-incrimination.

This carried over to early Colonial America, where our criminal procedures developed with the understanding, that forcing suspected criminals to confess to crimes, violated human rights.

This belief was officially recognized by the framers of the U. S. Constitution, when they passed the Bill of Rights in 1791. The Bill of Rights sets forth the 5th Amendment Privilege against Self-Incrimination as a constitutional right.

However, when first passed, the Bill of Rights only applied to the federal government and not to the states and local law enforcement. Therefore, police misconduct in obtaining confessions was still a noticeable issue.

Well into the 20th Century, state and local courts, permitted statements obtained by coercive measures including police officers putting pressure on a suspect to confess. From 1936 – 1964, just before the Miranda decision came out, our Supreme Court reversed numerous criminal convictions in cases where law enforcement used abusive tactics in gaining such a confession. This included not just physical abuse, but mental abuse as well.

It wasn't until 1964, that the Supreme Court ruled in a case called Malloy v. Hogan, that a suspect can claim his 5th Amendment Privilege against Self-Incrimination in a state court proceeding as well as a federal court proceeding.

In 1966, the Miranda decision forever changed the procedures that must be followed by law enforcement during an arrest, by holding that any suspect held in police custody must be informed of their 5th Amendment right against self-incrimination and their 6th Amendment right to counsel before being questioned. Miranda v. Arizona, was an extraordinary decision, which made significant changes in the criminal justice process for the better. The privilege against self-incrimination and the right to counsel are essential to our understanding of individual liberty. These rights exist to ensure that each American citizen is guaranteed the procedural protection afforded to him/her under our U. S. Constitution.

So you see, it took almost 200 years for our Supreme Court to arrive at a clear defined path in balancing these rights.

So we have come a long way . . . but still have a ways to go.

It's not enough to just hear the words, it is also important to understand them.

According to the American Psychological Association, recent studies show that almost one million criminal cases are compromised every year because defendants do not understand their Miranda Rights.

Part of this issue is due to the fact that some of the suspects who receive Miranda warnings may have mental disorders, are illiterate or have limited educational backgrounds. Other studies have shown that people often think they already know their rights and just don't listen.

Another issue with Miranda Warnings is that they can vary from city to city and state to state.

It has been reported that there are approximately 800 different versions of Miranda Warnings being given by police across the country. The reading levels of these warnings range from second grade to college level.

As we celebrate Miranda and all of the progress we have made since this landmark decision, I am confident that we will continue to make improvements to this law to ensure that every American understands their Miranda Rights and can benefit from these constitutional safeguards.

Thank you.

(Go to the easel and recognize the quotes from essay winners)

You also may want to say something about all of the drawings/art projects that won. – There is nothing to quote from them like the essays, but the talented students illustrated the concept of Miranda creatively.