

Experts: Supreme Court will uphold Miranda law

WASHINGTON (AP) — Americans, having witnessed untold numbers of arrests in movies and on TV, know the drill: "You have the right to remain silent. Anything you say may be used against you in a court of law. You have the right to an attorney. If you cannot afford one, an attorney will be appointed for you."

Now the Supreme Court's 1966 Miranda decision requiring police nationwide to give such warnings before questioning criminal suspects is under attack.

A new federal appeals court ruling could spur the justices to restudy the landmark case that has made numerous confessions or incriminating remarks to police inadmissible as evidence when offered by people who had not been read their rights.

Legal experts doubt the Supreme Court will let state and local police ignore its decision called Miranda vs. Arizona.

"If this goes to the Supreme Court, the justices will have to decide whether they want to toss out more than 30 years of jurisprudence that's stemmed from Miranda," said Stephen Saltzburg, a George

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Washington University law professor. "I don't think they'll go for that."

University of Michigan law professor Yale Kamisar said, "It would be an interesting battle, but I think Miranda would win out."

The Miranda decision was steeped in the constitutional protection against self-incrimination, but the Supreme Court never explicitly said the Constitution requires such warnings to guard against police coercion.

Ruling in a Virginia bank robbery case earlier last week, a three-judge panel of the 4th U.S. Circuit Court of Appeals said a long-ignored 1968 federal law trumped the Miranda decision and freed federal law enforcement officers from having to give the familiar warnings in every case.

That ruling is now binding law in the 4th Circuit's five

states - Virginia, Maryland, North Carolina, South Carolina and West Virginia.

Congress said in the 1968 law that evidence obtained without the warning being given could be used at trial as long as federal judges are sure the statements were made voluntarily. The law says compliance with Miranda is just one factor to be considered.

Seven presidential administrations, Republican and Democratic alike, have refused to enforce that law, however, out of concern for its constitutionality.

"We ... have determined the Supreme Court has concluded that (Miranda) is constitutionally based since ... it has applied it to the states as well," Attorney General Janet Reno said two weeks ago. "It would be up to the Supreme Court to make the determination that it was not constitutionally based."

The nation's highest court is far more conservative than it was 33 years ago, and several of its members — most notably Chief Justice William H. Rehnquist — repeatedly have played down the Miranda decision's constitutional dimensions even as the court rebuffed numerous attempts through the 1970s and early 1980s to overturn it.

"There's no groundswell to get rid of Miranda," Kamisar said. "Most police like it because it makes life simple. If it's not broken, why fix it?"

The Virginia case likely will be referred to the full 4th Circuit court and then to the Supreme Court.

"This is not a case the Supreme Court would duck" if the three-judge panel's reasoning is upheld by the entire appeals court, predicted North-western University law professor Ronald Allen.

And what if the Supreme Court agrees that the 1968 federal law is valid?

"You'll see numerous state legislatures adopting state analogues," Allen said, leaving police forces free to re-examine their policies on questioning criminal suspects.

Black dollars

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functions consistently.

To date, RBD has two primary events; the first is an honors luncheon in June that brings together diverse groups creating a unique networking opportunity. In November, there is an annual anniversary dinner and the "Positive Side Awards" for businesses whose images stand out. RBD also started national "Change Bank Day" during Black History Month in the aftermath of the Million Man March. "Change Bank Day" advocates blacks putting their monies in black financial institutions.

This year, the organization will also declare April "Black Business Month" and mount a campaign to get blacks to recycle their dollars in their own communities.

"Our goal is two-pronged, really," Nassardeen said. "We encourage the consumer to be more patient and we encourage the business owner to give more quality service." Nassardeen believes that once black consumers demonstrate confidence in black businesses, others will follow. RBD has already attracted major corporate sponsorship of its events. Corporate giants such as IBM, AT&T, Shell, Arco, Pacific Bell and SONY all have an interest in where black dollars are spent and have backed the efforts of RBD.

Membership in RBD costs \$25 for consumers and up to \$500 for lifetime charter members. For more information, please call 392-5303.

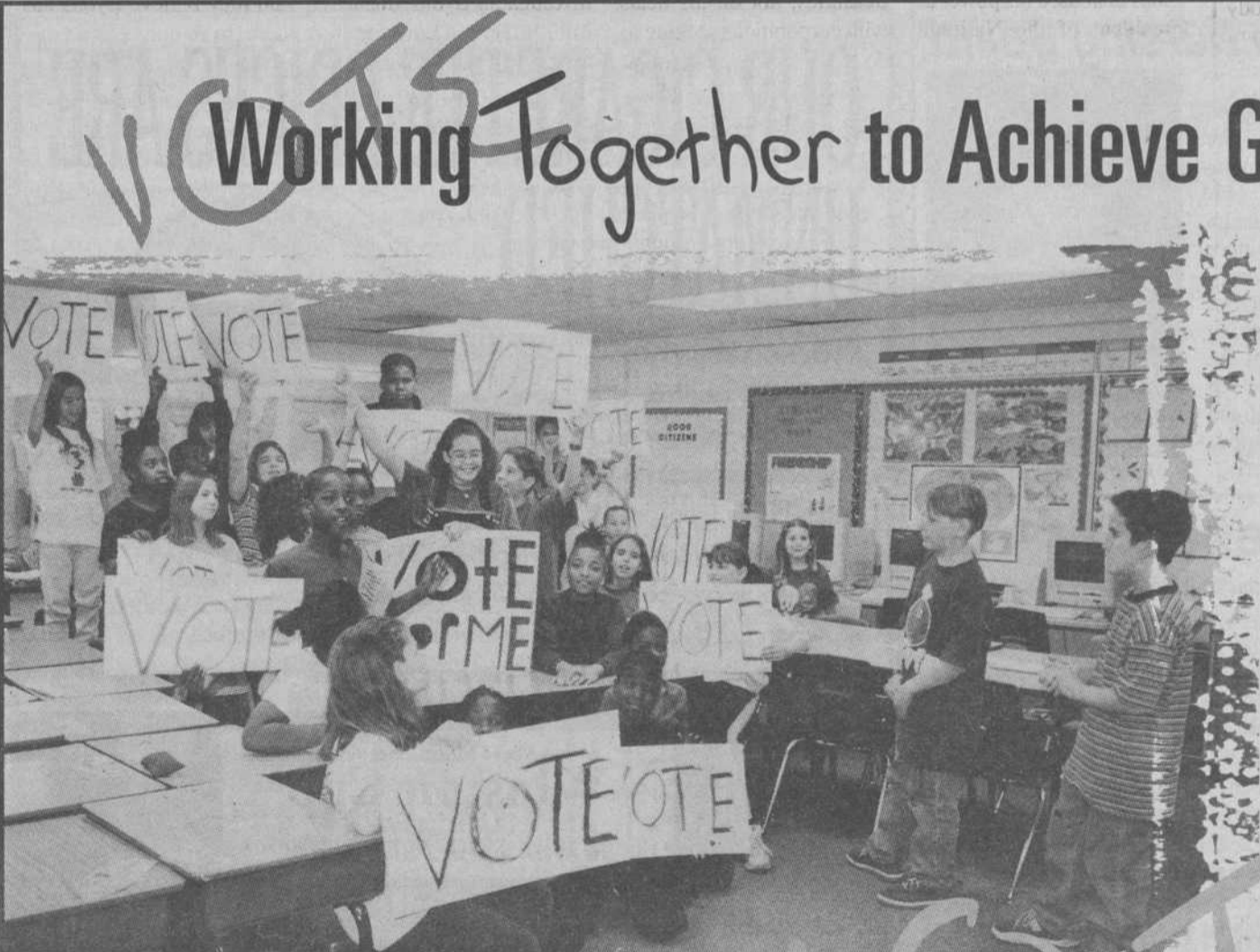
Jackson

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Pataki spokesman Michael McKeon said Jackson's "partisan attacks are so outrageous they don't even merit a response."

Faubus, who died in 1994, called out the National Guard in a 1957 attempt to block the desegregation of Little Rock's schools. Wallace, who died last year, stood in the schoolhouse door in 1963 in an attempt to keep blacks from enrolling at the University of Alabama. Years later, he repudiated his segregationist past and preached racial cooperation.

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Our thanks to Jo Mackey Magnet School and Mrs. Irvin's 5th grade class.

TDD 455-5997