

Supreme Court leaves open Miranda lawsuits

Richard Carelli

Associated Press Writer

WASHINGTON (AP) — The Supreme Court left intact rulings that say police officers may be sued for continuing to question criminal suspects after they invoke their "right to remain silent."

The justices, who upheld the constitutionality of the so-called Miranda warnings Monday, rejected an appeal in a California case that asked the same basic question: Are the police warnings required by the Supreme Court's landmark 1966 ruling constitutionally mandated?

At stake in the California case was whether police can be sued for violating the Miranda decision after giving the required warnings by ignoring suspects' requests for a lawyer or their desire to remain

silent.

Lower courts allowed such lawsuits. Those rulings were left undisturbed in a brief order Monday.

The Supreme Court, far more liberal 34 years ago than it is today, sought to remedy "inherently coercive" interrogations by creating bright-line guidelines in its Miranda vs. Arizona decision. Courts previously had used a "totality-of-the-circumstances" test to determine whether a confession or incriminating statement had been given to police voluntarily.

The Constitution's Fifth Amendment says "No person ... shall be compelled in any criminal case to be a witness against himself."

In the California case, two convicted killers sued police in Los Angeles and Santa Monica from

their prison cells. Invoking a much-used civil rights law, the two sought monetary damages for violations of their Fifth Amendment rights.

In both cases, police officers continued questioning the suspect after he said he no longer wanted to talk without a lawyer present.

The officers' persistence paid off because both made incriminating remarks later in the interrogations.

In one case, the suspect's statement to police was used to attack his credibility after he testified at trial. In the other, the statement was totally excluded from the trial.

A federal trial judge refused to shield the police officers from the convicted killers' lawsuits, ruling that they were not entitled to qualified immunity.

The 9th U.S. Circuit Court of Appeals upheld that ruling last November, sparking the police officers' appeal acted on Monday.

Some California police departments routinely advise officers to circumvent the Miranda warnings. A training videotape shown to departments statewide is entitled "Questioning Outside Miranda," and in it, a prosecutor tells officers they can keep questioning even after suspects ask for an attorney.

Any statements made thereafter are inadmissible as primary evidence against a defendant, but the controversial video tells police that the statements may help them recover property, locate other witnesses or find additional evidence.

In trying to fend off the lawsuits, lawyers for the Los Angeles and

Santa Monica officers said violating the Miranda warnings does not amount to a constitutional violation.

They also said the officers reasonably believed they could rely on the training video.

In upholding the lawsuits, the 9th Circuit court said the Miranda ruling "cannot be viewed entirely apart from the constitutional rights that it protects."

The November decision added: "Miranda could scarcely be more clear in stating that once a suspect indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease, and that if he states that he wants an attorney the interrogation must cease until an attorney is present."

Local recognized for creating Image award

Trish Geran

Special to Sentinel-Voice

After 31 years, actress and community activist Toni Ono finally received the news she had been waiting for: Acknowledgement as the creator of the NAACP Image Award.

The Hollywood branch of the National Association for the Advancement of Colored People branch surprised Ono June 1 by sending her a 31st Annual NAACP Image Award with the inscribed words, "Special Tribute — Toni Vaz" (her stage and married name at the time).

"It was like it was yesterday when I called a meeting for a roundtable discussion with five other black actors and actresses: Dorothy Farley, Eddie Smith, Elmer Alexander, Ernie Robinson, and Alex Brown," Ono said. "I told them that we as black actors and actresses must stop complaining about the demeaning roles we have to play in Hollywood and start thanking the producers and those who were beginning to open doors for us. We need to do something about it on our own."

Ono remembered sitting quietly at the table with a



Toni Ono recently received long-deserved recognition for her involvement in creating the NAACP's Image Award, given annually to great achievers. Sentinel-Voice photo by Ramon Savoy

pen and pad writing whatever came to her mind, while others thought out loud about how to make this event happen.

Ono made a list of people, both black and white, she thought should be awarded for outstanding achievements and contributions to improving society's image of Blacks.

She pulled out the original, kept fragile three sheets of paper, with the date, March 1, 1967, written in the far

right corner.

A glance over the neat letter, written in both blue and black ink, reveals notes tucked at the very bottom of the page, as though she was hiding them from any wandering eyes.

I began to feel an overwhelming sensation, realizing that Ono was the spark that started the movement toward the recognition of African-Americans, thousands who have been hon-

ored for the past 31 years for their efforts in the motion picture and television industries.

I had just seen the tools used to make one of our culture's most rich and memorable events, the NAACP Image Awards.

The names of actors Ono thought deserved honors that year were: Charleston Heston, Sammy Davis, Jr., Dick Van Dyke, Marlon (See Toni, Page 2)

Man who sawed KKK sign fined

CLAYTON, Mo. (AP) — A man who sawed down a sign designating a stretch of highway as adopted by the Ku Klux Klan has been fined \$100.

Christopher Bellers sawed down the sign Feb. 10 — just hours after it was installed — unaware that state troopers had staked it out.

"I was angry over what the sign represented," Bellers, 22, told a jury Tuesday. "I was angry I was going to have to look at it every day. I was angry the Klan was being represented in the cleanup program. I believe I did the right thing."

The state Department of Transportation had tried to block the KKK from participating in Missouri's Adopt-A-Highway program. But a federal judge and a federal appeals court panel ruled that the Klan has a free-speech right to take part.

Bellers could have gone to jail for up to six months and been fined up to \$500.

ACLU: Scholarship program full of bias

DETROIT (AP) — The state's use of standardized test scores as the sole criteria in determining the winners of the Michigan Merit Award Scholarship discriminates against minorities, the American Civil Liberties Union said in a lawsuit.

"Standardized tests provide only a snapshot about the test-taker and are not a good measurement of a student's talents or abilities," said ACLU of Michigan Executive Director Kary Moss.

The lawsuit, filed Tuesday in U.S. District Court on

behalf of six students, calls the Merit program an "unconscionable use of public funds." It asks that a judge order the state to re-evaluate students who were denied awards this year and to include other criteria for determining the scholarships.

John Truscott, a spokesman for Gov. John Engler, said the state isn't worried about the lawsuit.

The one-time scholarships, which offer as much as \$2,500, are awarded to students based on their scores (See Scholarship, Page 2)