

Miranda nears 20th anniversary

By Bob Sklar
Staff Writer

Today marks the 20th anniversary of the Miranda warnings, the result of one of the U.S. Supreme Court's most-publicized rulings — *Miranda vs. Arizona*.

The ruling requires arresting officers to warn people in custody of their right to remain silent, their right to a lawyer and their right to be told that anything they say could be held against them — in short, the legal right to protection from self-incrimination.

While civil libertarians, defense attorneys and some legal scholars argue that the warnings provide a good way to determine if a statement was given to police voluntarily, views differ among law enforcement officials.

Prosecutors argue that murder cases have been dismissed on minor technicalities. Police say investigations and interrogations have been hampered. Maintaining that the rul-

ing benefits only the guilty, U.S. Attorney General Edwin Meese has called for the Supreme Court to change its mind.

Farmington Hills Police Chief William Dwyer concurs that the criminal justice system would be better without Miranda.

"It's time for the pendulum to swing back toward citizen rights," he said. "I believe the criminal element knows the Miranda rights better than the average citizen, even younger policemen."

IN FARMINGTON, Department of Public Safety Director Frank Lauhoff isn't so critical.

He thinks Miranda has become "so much a part of law enforcement that everybody has adjusted to it."

"Maybe police officers and law enforcement have gotten a lot better because of it," he said.

As long as Miranda "is on the

books, we'll work within the color of the law to enforce it," Dwyer said. But, he said, "it would be more beneficial to both our department and the community without it — and no constitutional rights would be violated."

The victims of crime are fed up with the bureaucracy of the criminal justice system," he added.

Dwyer cited an example of how Miranda could bog down an investigation: "After you give the Miranda warnings on a robbery armed case, then learn the person being interrogated could be having a sexual assault, some courts have ruled the Miranda warnings must be given a second time because the focus of the interrogation has been shifted."

LAUHOFF SEES the warnings as "a clarifying point, both for the courts and the suspect, as to what the suspect's rights are. It cleared up

the misconception that people had to talk to police officers."

Miranda has become engrained in American society and a natural part of police work, Lauhoff said.

"Maybe that's an indicator it is the correct way to do things," he said. "Anybody arrested — even from just watching TV — knows their rights."

If you look at the criminal justice system over the past 20 years, what stands out most? Miranda."

The right to a lawyer being present during interrogation is one aspect of the ruling that gnaws at Dwyer.

"I think the average citizen is aware of their right to remain silent. I personally don't see a need to have an attorney present during every interrogation."

The presence of lawyers can slow the criminal justice system by

discouraging suspects to confess and cooperate — thus impeding the process of bringing defendants to trial, Dwyer said.

Lauhoff says many defendants will talk anyway, when aware of their rights.

DWYER THINKS abolishing Miranda could act as a crime deterrent. "Once you're arrested, you'd be aware you wouldn't automatically have the right to have counsel present."

Involved in law enforcement for 24 years, seven as commander of the Detroit Police Department's narcotics enforcement division, Dwyer said criminal defense has become more sophisticated.

"There are too many technicalities and loopholes that let criminal attorneys take advantage of very

minor deficiencies in investigations," Dwyer said. "Who suffers the most? The citizens."

As for the television-fueled perception that shirt-sleeved detectives can coerce or scare suspects into confessions, Dwyer said that might have been true 20 years ago. Today, resorting to such tactics is rare because officers are more educated and more respectful of constitutional rights, he said.

Lauhoff, involved in law enforcement for 12 years, pointed out that the Supreme Court is aware of stacking the deck against police.

A recent ruling held that if a suspect waives his right to counsel being present and agrees to talk, police are not obligated to advise him if a lawyer shows up during interrogation. "A person waives his right freely," Lauhoff said.

Founders Festival parade is in works

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Clubs of German Shepherds and antique Corvettes, the Oakland County Public Safety horse patrol and the Plymouth Guardsman color guard are just a few of the groups scheduled to march in this year's Founder's Festival Parade through downtown Farmington.

More than 13 applications for the 1986 parade have been received by the Farmington/Farmington Hills Area Chamber of Commerce, according to Executive Director JoAnn Soronen.

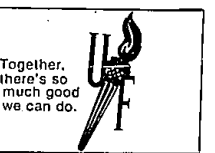
The parade will begin at 10 a.m. July 19 at the Grand River Drive, in conjunction with the 22nd annual

Founders Festival slated for July 13-19.

The parade is a scaled-down version of previous years because of lack of funding from the carnival, which is not being held this year because of site problems.

The festival is a year-long project of the chamber, under Soronen's direction. Several hundred hours of volunteer work contribute to its success each year.

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