

Supreme Court Case Study 46



The Right to Counsel

Escobedo v. Illinois, 1964

***** **Background of the Case** *****

Danny Escobedo was arrested in Chicago for the murder of his brother-in-law. The arrest took place at 2:30 A.M. on the morning of January 19, 1960, after the fatal shooting. Escobedo made no statement and was released. On January 30, 1960, Escobedo was taken into custody after an informant implicated him in the shooting. He declined to make any statement and asked to see his lawyer. Even though his lawyer was present in the police station, the police denied Escobedo the right to talk with him, and in fact, told Escobedo that his lawyer did not want to see him. Despite repeated attempts, Escobedo’s lawyer was not permitted to see his client until the police had completed their interrogation.

Police testimony later revealed that Escobedo had been handcuffed in a standing position during the interrogation and that he was agitated and upset. During the police interrogation, Escobedo made incriminating statements that led to his indictment for the murder of his brother-in-law. He spoke in Spanish to an officer who spoke his language, and during that conversation Escobedo revealed that he was aware of the shooting. Motions made before and during the trial to have these statements suppressed (not used) as evidence were denied. After Escobedo’s murder conviction, the United States Supreme Court took the case for review.

Constitutional Issue *****

By 1964 the Court had generally settled the question that the defendant in a state criminal trial has the Fifth Amendment right not to speak and the Sixth Amendment right to counsel. But it remained unclear exactly when a defendant needed a lawyer to protect his or her right not to speak. For example, it was not uncommon for police officers to deny a suspect the right to counsel in the early stages of an investigation, when the suspect might yield to police pressure and provide incriminating information or even confess to a crime. If the suspect had not had his or her counsel present at that time, did this violate the right-to-counsel principle? The Court had to consider whether the Sixth Amendment’s provision of the right to counsel also applied to the interrogation of a suspect of a crime.

***** **The Supreme Court’s Decision** *****

The Court voted 5 to 4 to reverse Escobedo’s conviction. Justice Arthur Goldberg wrote the Court’s opinion.

Goldberg determined that although the questioning of Escobedo had preceded formal indictment, this fact “should make no difference” as to a person’s right to counsel. At the point of interrogation, he stated, the investigation was no longer a “general investigation” of an unsolved crime. Escobedo “had become the accused, and the purpose of the investigation was to ‘get him’ to confess his guilt despite his constitutional right not to do so.” It was at this point, Goldberg noted, that many confessions are obtained and this fact “points up its critical

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