

Court Stand Stiffened on Legal Rights

critic
Action Expected
To Add to Row on
Coping With Crime

By Morton Mintz
Washington Post Staff Writer

The Supreme Court indicated a tightening of its guidelines for protecting the rights of criminal defendants in state cases yesterday. The action is certain to intensify a Nation-wide controversy about how to cope with crime.

Without stating its reasons, the Court refused to review a California decision under which a murder confession was held inadmissible because the accused had not been advised by investigators of his right to counsel and of his right to remain silent.

California Attorney General Thomas C. Lynch has said that on the basis of the decision now left standing hundreds of convicts in his State have petitioned to have their convictions reversed, and that the fate of most of the 55 men in San Quentin Penitentiary's death row may be at stake.

In his unsuccessful brief to the Court, Lynch said: "It is no exaggeration to suggest that the convictions of thousands of dangerous criminals may be in jeopardy . . ."

He also said that the decision, handed down by the California Supreme Court last Aug. 31, runs counter to the rulings of the Supreme Courts of Illinois, Iowa, Maryland, Nebraska, Nevada, New York, Pennsylvania and Wisconsin.

Called Unwarranted

Lynch said the California decision was an unwarranted extension of the Supreme Court's ruling last year in the Danny Escobedo case.

Escobedo's confession in a Chicago murder was held inadmissible, but under differ-

ent circumstances from those of the California case, which involved a life-sentence prisoner, Robert B. Dorado.

While being interrogated, Escobedo had asked to consult with his lawyer, who was in another room at the same police station. The request was refused. Unlike Escobedo, Dorado had not requested counsel. Neither man was advised of the right to remain silent to protect himself against self-incrimination.

Recently, the Third Circuit Court of Appeals reversed the conviction of two men accused of murdering a Newark, N.J., policeman on the ground that—like Dorado—they had not been advised of their right to counsel. The reversal set off cries of alarm from prosecutors and law-enforcement officers.

In addition, the Second Circuit See COURT, A13, Col. 1

Supreme Court upholds ruling extending Federal Power Commission jurisdiction. Page D9.

Court rules against exclusive sale agreement between oil firm and rubber company. Page D9.

Supreme Court prods states on legislative apportionment process. Page A12.

cuit Court of Appeals has agreed to consider bance the issue of a defendant's right to be told of his protections under the Constitution.

Convicted of Murder

Early in 1962, Dorado was convicted of murdering a fellow prisoner at San Quentin, Abel Nevarez, and sentenced to death. Dorado was in prison on a narcotics charge.

On the afternoon of the slaying, he had given investigators what the State called "a full confession." That evening, he was said to have given prison psychiatrists a full account in which he expressed remorse. The next day, he wrote out a confession, which the California Supreme Court said was voluntary.

In Lynch's brief, the Attorney General said that at no time did Dorado claim that he had confessed because he was unaware of his right to counsel and to remain silent.

Dissenting in the Escobedo case last year, Justice Byron R. White said the Court was advancing toward a goal that he presumed it had in mind, barring from evidence all admissions "whether involuntarily made or not."

White said that to invoke a man's right to counsel from the moment he becomes a suspect would impose a rule "impossible to administer unless police cars are equipped with public defenders and undercover agents and police informants have defense counsel at their side."

The court took several other major actions in preparation for adjournment next Monday.