

High Court to Take a New Look At Suspect's Right to Be Silent

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WASHINGTON, Dec. 15—The Supreme Court decided today to take another look at the guarantees set forth in one of the landmark high court rulings of the Earl Warren era—the Miranda decision in 1966, which spelled out a suspect's right to remain silent in the face of police questioning.

The Court agreed to review a murder case in Iowa in which the defendant's murder conviction was reversed on appeal on the ground that he had been denied rights guaranteed in the Miranda case.

Iowa's Attorney General asked for the Supreme Court review and suggested that the Court consider, among other things, whether more "flexible" police interrogation standards should be adopted to replace those in the Miranda case.

The Supreme Court has seemed to be retreating from the Miranda ruling for some time, most notably in a decision in 1971 written by Chief Justice Warren E. Burger.

Last week the Court handed down another ruling in a murder case involving Miranda issues, upholding the conviction. Two dissenters accused the majority of "yet another step toward the erosion" and "ultimate overruling" of the 1966 case.

Slaying in Des Moines

Today's case stemmed from the Christmas Eve, 1968, murder and sexual abuse of a 10-year-old girl in Des Moines.

The girl had gone to the Y.M.C.A. with her mother to watch her 14-year-old brother compete in a wrestling match. She went to find a lavatory and did not reappear.

The defendant, Robert Anthony Williams, turned himself in to the police in Davenport two days later, apparently at the suggestion of a lawyer he consulted by phone.

He was advised of his right

to remain silent and to have a lawyer, as required by the Miranda case. He indicated he wanted to remain silent until he spoke to his lawyer in person, back in Des Moines. His lawyer admonished the police not to interrogate him on the trip back to Des Moines.

During the trip to Des Moines, however, a policeman did talk to him about the case. The conversation led to the discovery of the child's body.

Mr. Williams was convicted of the murder after trial. He appealed, contending that the use of evidence of information coming from conversation in the car violated the requirements set forth in the Miranda case, requirements designed to protect a suspect's Fifth Amendment privilege against self-incrimination.

Court Overhauled

The state Appeals Court rejected his appeal, finding that he had waived his rights. A Federal District Court disagreed, saying that the state court should have placed the burden on the state to prove there had been a waiver.

The United States Court of Appeals for the Eighth Circuit affirmed. It quoted from the Miranda case:

"Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease."

That passage was also at issue in the case the Court decided last week.