



Legislation Text

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Res. No. 766

Resolution supporting President Obama’s proposal to seek legislation that would allow for lengthy interrogations of terrorism suspects without requiring Miranda warnings and to permit such statements to be legally admissible.

By Council Member Vallone, Jr., Nelson and Koo

Whereas, In May 2010, the Obama Administration announced that it would call on Congress to introduce legislation that would allow investigators to interrogate terrorism suspects prior to such suspects being given Miranda warnings; and

Whereas, In *Miranda v. Arizona*, decided in 1966, the United States Supreme Court held that statements obtained from defendants who were not advised of their constitutional rights are inadmissible as having been obtained in violation of the Fifth Amendment privilege against self-incrimination; and

Whereas, Establishing what became to be known as Miranda rights, the Court found that prior to a police interrogation, a “person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed;” and

Whereas, In the 1984 case *New York v. Quarles*, the United States Supreme Court examined whether certain circumstances exist in which law enforcement officers are justified in failing to inform suspects of their Miranda rights; and

Whereas, The *Quarles* case involved a police officer conducting a frisk in which he discovered that the suspect was wearing an empty shoulder holster; prior to informing the suspect of his Miranda rights, the suspect replied “the gun is over there” when asked for the location of the gun and the gun itself; and

Whereas, In *Quarles*, the United States Supreme Court established a public safety exception to the rule that a suspect's statements and evidence derived from those statements may be admitted into evidence only if the suspect was given Miranda warnings prior to making such statements; and

Whereas, The public safety exception allows law enforcement officials to interrogate suspects immediately in order to secure their own safety or the safety of the public and legally admit into evidence any information gathered; and

Whereas, In its ruling, the United States Supreme Court, however, did not establish the length of time a suspect may be questioned without being given his or her Miranda warnings; and

Whereas, In May 2010, Attorney General Eric Holder brought attention to this issue when he stated that "we're now dealing with international terrorists...we have to think about perhaps modifying the rules that interrogators have...;" and

Whereas, The May 2010 attempted car bombing in Times Square, New York, demonstrates the United States' continued vulnerability to terrorist attacks; and

Whereas, In order to protect the public from terrorist attacks, Congress should introduce legislation that would allow investigators to interrogate terrorism suspects for as long as necessary without giving the suspect Miranda warnings; and

Whereas, Congress should also amend the United States Code in order to ensure that the statements terrorism suspects make during these interrogations are admissible in court as evidence; and

Whereas, Additionally, Congress should establish a procedure that investigators must follow to ensure that such evidence is properly gathered; and

Whereas, This piece of legislation is necessary to gain critical intelligence information from terrorism suspects; now, therefore, be it

Resolved, That the Council of the City of New York supports President Obama's proposal to seek legislation that would allow for lengthy interrogations of terrorism suspects without requiring Miranda

warnings and to permit such statements to be legally admissible.

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LS # 1248
3/2/11