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Escobedo v. Illinois

Yale Kamisar

University of Michigan Law School, ykaminsar@umich.edu

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Escobedo v. Illinois,

378 U.S. 438 (1964), argued 29 Apr. 1964, decided 22 June 1964 by vote of 5 to 4; Goldberg for the Court, Harlan, Stewart, White, and Clark in dissent. When Danny Escobedo, a murder suspect, was taken to the police station and put in an interrogation room, he repeatedly asked to speak to the lawyer he had retained. Escobedo's lawyer soon arrived at the station house and repeatedly asked to see his client. Despite the persistent efforts of both Escobedo and his lawyer, the police prevented them from meeting. The police also failed to advise Escobedo of his right to remain silent. In response to accusations that he had fired the fatal shot, Escobedo made some incriminating remarks and then confessed to the crime.

Even though Escobedo had been interrogated before adversary proceedings had commenced against him (compare **Massiah v. United States*, 1964), the Supreme Court threw out his confession. Because of the accordion-like quality of Justice Arthur Goldberg's opinion for the narrow majority, a great deal of confusion resulted. At some places the opinion seemed to say that a person's right to counsel is triggered once he becomes the “prime suspect” or once the investigation shifts from the “investigatory” to the “accusatory” stage and begins to “focus” on him. (Because this reading of the opinion threatened to cripple police interrogation, it alarmed many members of the bench and bar). At other places, however, the opinion seems to limit the case's holding to the specific facts preceding Escobedo's confession.

Two years later *Escobedo* was shoved off-stage by the equally controversial case of **Miranda v. Arizona* (1966). *Miranda* shifted from a “prime suspect,” or “focal point,” test to a “custodial interrogation” standard, moving from *Escobedo's* right-to-counsel rationale to one grounded primarily in the privilege against self-incrimination. Thus, although *Miranda* maintained the momentum in favor of suspects' rights generated by *Escobedo*, it largely displaced that case's rationale.