

OPINION

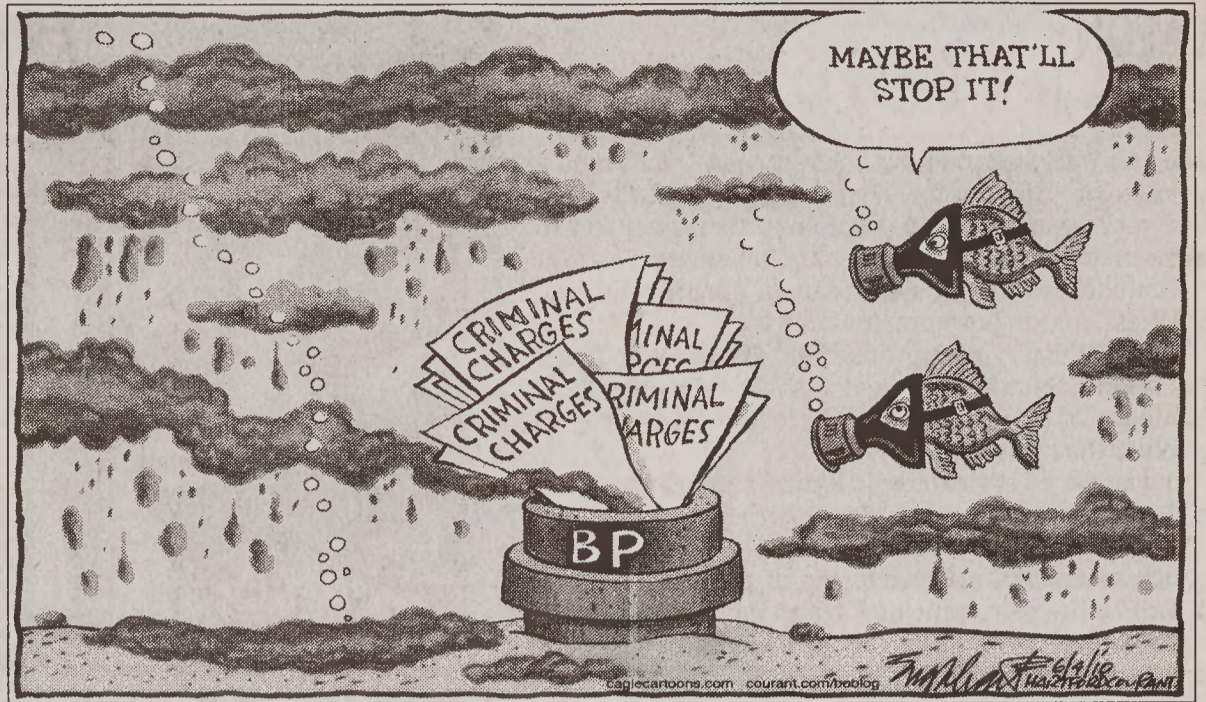
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Supreme Court hears
 sound of silence

VIEWPOINT



STEVE CHAPMAN
 Syndicated Columnist

In the last 44 years, the Miranda warning has become as American as the Iowa State Fair. Most of us could recite it in our sleep, particularly the part that goes: You have the right to remain silent. Police and prosecutors, who once saw it as coddling criminals, have learned to live with this modest obligation.

But not everyone is so adaptable. Some people bridle at the notion of going along with something that protects the guilty as well as the innocent. Five of them sit on the Supreme Court of the United States. They read the Miranda protections the way W.C. Fields read the Bible: looking for loopholes. That became blindingly evident this week when the court, by a 5-4 vote, ruled against a defendant who said he had been deprived of his freedom to keep his mouth shut.

After being arrested and told of his right to remain silent, Van Chester Thompkins proceeded to exercise it. He refused to speak, beyond a few one-word responses to innocuous questions, such as whether his chair was hard. But his police interrogators were not to be denied.

For nearly three hours they confined him in a small room and peppered him with questions. Finally, Thompkins was asked if he prayed to God to forgive him for "shoot that boy down," and he replied, "Yes." He was convicted of murder and sentenced to life without parole.

His lawyers said that having indicated his choice to remain silent, he should have been spared further grilling. On their side is common sense, which says that if someone announces you are free not to speak, not speaking is an unmistakable way to convey your exercise of that prerogative.

But common sense is not always abundant in the halls of justice. The Supreme Court claims that Thompkins' persistent silence didn't suggest a choice to remain silent. Its logic: How can I know you don't want to talk if you won't say anything?

It doesn't occur to the five justices that someone in the grasp of the police, after hours of relentless questioning, would conclude that his right to remain

silent was meaningless -- that he would be interrogated until he answered.

Justice Anthony Kennedy insisted there was no evidence the suspect had the slightest desire to invoke the privilege. "Thompkins did not say that he wanted to remain silent or that he did not want to talk with the police," asserted Kennedy.

If there is any doubt about the suspect's preference, the court established, it will be taken as consent to be questioned. If Kennedy were to try to strike up a conversation with someone at a bar, only to be ignored, he would assume she was dying to hear more.

Such obtuse logic is impossible to square with the 1966 Miranda decision, where the justices explained the psychological reality of a police interrogation. Someone being held involuntarily in a station house, they knew, will tend to assume that he must cooperate or suffer painful consequences.

The Miranda warning is one way to convey to the suspect — and the cops — that he has rights they must respect. "Unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice," declared the court.

But just giving the warning is not enough. The court stressed that the police may not exploit ambiguities to nullify its effects.

"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," it said. "If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination..." (my emphasis)

Not anymore, it doesn't. Now, says the court, it is the duty of any accused person "who wants to invoke his or her right to remain silent to do so unambiguously." The "heavy burden" lands on the suspect. If cops can trick him or wear him down, the justices say: Good for them.

Once upon a time, the Supreme Court tried to make sure that Americans under police suspicion could freely decide whether to exercise their constitutionally protected right against self-incrimination. I'm waiting to hear Kennedy and Co. express any similar commitment. And their silence is deafening.

Steve Chapman blogs daily at newsblogs.chicagotribune.com/steve_chapman. To find out more about Steve Chapman, visit www.creators.com.

THIS-N-THATS



LARRY MURDOCK
 Guest Columnist

Can it get any better than that? The "that" I am referring to is the Memorial Day festivities held in our town on Monday. Aren't we all proud of the patriotism exhibited from the laying of the wreath at the Vietnam Veterans Memorial just south of town, to the festivities at the Big Chair and Gazebo downtown, as well as the Parade down Salem Street to Memorial Park where patriotism shined? A little rain shower didn't dampen the spirit of those in attendance.

I must admit that I had a lump in my throat and a tear in my eye as those veterans who had fought for our freedom proudly proceeded down Salem Street. Thanks, to all the Veterans who have served in our armed forces and thanks to the Planning Committee; the volunteers and those individuals and companies who provided funding to make the Memorial Day events possible! God bless the USA!

Do you sing around the house or do you sing in the shower? If so, it's the season to sing this one. "Take me out to the ball game, Take me out with the crowd. Buy me some peanuts and Cracker Jacks, I don't care if I never get back, Let me root, root, root for the home team, If they don't win it's a shame. For it's one, two, three strikes, you're out, At the old ball game." Hi-Toms baseball is back! The season opened with a

home game on Wednesday and another home game last night against Forest City. The next few home games will be Sunday at 5 p.m. versus Edenton; Monday versus Winston Salem; Wednesday versus Asheboro; Thursday versus Carolina Hurricanes; and Saturday, June 12 versus Asheboro. Most game times are 7:05 with a few scheduled for 7:20.

Pick up a complete schedule at Finch Field Box Office.

Another downtown building is making some facade improvements. The old Rose's 5 & 10 is sporting a fresh coat of paint and the brown butcher paper is no longer on the plate glass on the front of the building. Thanks for whoever is responsible. Looking good.

I am sure that you recall the puppy that was set afire last year. Although near death with second and third-degree burns on more than 60 percent of her body, a broken jaw and teeth, and covered with more than 300 maggots, "Susie" had a will to survive.

The perpetrator was caught; however justice would not be served. North Carolina structured sentencing guidelines would only allow the guilty party — a 21-year-old — to serve 4-5 months, suspended sentence (probation) for a Class I felony of Cruelty to Animals.

Susie's Law has been introduced and may be heard in next year's General Assembly session. An e-mail circulating urges all to contact your senator and house representative and tell them we need stricter animal abuse laws in North Carolina.

One day, the father of a very wealthy family took his son on a trip to the country with the express purpose of showing him how poor people live. They spent a couple of

days and nights on the farm of what would be considered a very poor family.

On their return from their trip, the father asked his son, "How was the trip?" "It was great, Dad." "Did you see how poor people live?" the father asked. "Oh yeah," said the son. "So, tell me, what you learned from the trip?" asked the father.

The son answered, "I saw that we have one dog and they had four. We have a pool that reaches to the middle of our garden and they have a creek that has no end. We have imported lanterns in our garden and they have the stars at night. Our patio reaches to the front yard and they have the whole horizon. We have a small piece of land to live on and they have fields that go beyond our sight. We have servants who serve us, but they serve others.

"We buy our food, but they grow theirs. We have walls around our property to protect us. They have friends to protect them."

The boy's father was speechless.

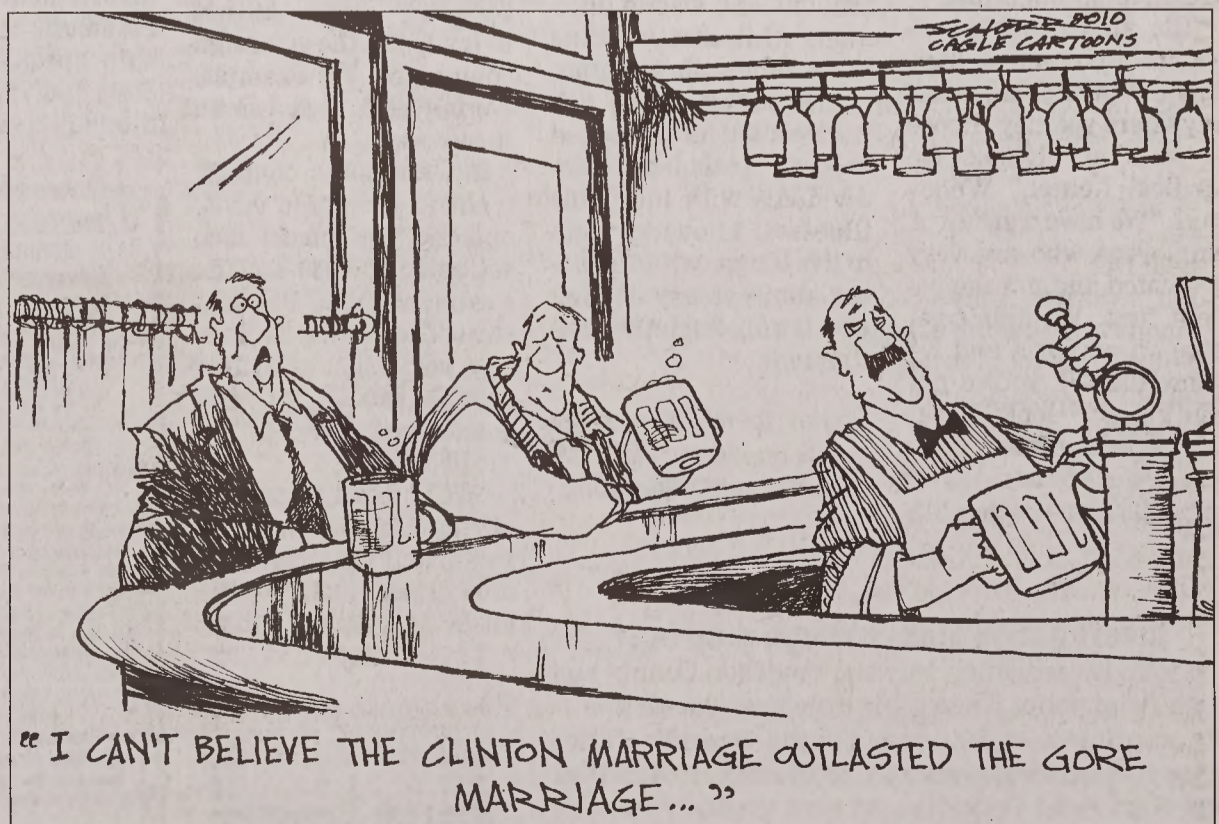
Then his son added, "Thanks, Dad, for showing me how poor we are." Isn't perspective a wonderful thing? Makes you wonder what would happen if we all gave thanks for everything we have, instead of worrying about what we don't have.

Appreciate every single thing you have, especially your friends! Life is too short and friends are too few.

Don't forget Thomasville Medical Center's 80th Anniversary Celebration next Saturday June 12 from 10 a.m. until 2 p.m.

Some schools are already out for summer vacation. Others soon will be. Be mindful of our young folks who will be out and about.

Guest Columnist Larry Murdock can be reached at larry.murdock@hotmail.com.



LETTERS TO THE EDITOR

All letters should include name, address and daytime phone number. Anonymous letters will not be printed. Letters should be no more than 400 words, unless otherwise approved by editor. Limited to one letter every 30 days. All letters are subject to editing.

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EDITORIALS

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