

## **LAWYER ASSOCIATION CALLS FOR MIRANDA RIGHTS IN UNIFORM SPANISH By Frank GÃ³mez**

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Princeton, NJ - At its annual conference in June, the American Bar Association (ABA) passed a motion calling for a uniform Spanish language translation of the Miranda Rights, thereby earning the Research Institute of United States Spanish (RIUSS) "Thumbs Up" designation. The action occurred on the 50<sup>th</sup> anniversary of the "Miranda warning" that arose in the March 1963 arrest of Ernesto Miranda in Phoenix, Arizona. Miranda's lawyers argued that he was not informed that he had a right to a lawyer and the right to remain silent.

The United States Supreme Court overturned Miranda's conviction (for rape and kidnapping) on June 13, 1966, thereby establishing guidelines for informing suspects of their constitutional rights. Chief Justice Earl Warren said: "It is not admissible to do a great right by doing a little wrong. It is not sufficient to do justice by obtaining a proper result by irregular or improper means."

On the occasion of the anniversary, Univision and Fox News, among others, reported on the ABA action and the continuing need. But National Public Radio (bless them) did more. They interviewed Attorney Alex Acosta, chair of the ABA Special Committee on Hispanic Legal Rights and Responsibilities and Dean of Florida International University's School of Law. Acosta noted that each year about 800,000 native Spanish-speakers are detained. The police, he said, sometimes use "words that are not Spanish, you know, the right to 'silento.'" Acosta added, said NPR, that "the right to have an attorney appointed has been translated into the right to have an attorney that points to something."

These are mere examples of how law enforcement authorities around the country fail to communicate effectively and use a non-standard, non-verified version of Spanish language translations of the Miranda Rights. Some include phonetic spellings for officers who do not speak Spanish, and point to the need for a standard. Nonetheless, 50 years later, it appears that a uniform translation for use nationwide has not been agreed upon. It's way past time. Even today, in some cases "interview" (of the detainee) is translated as "interrogation."

Acosta, furthermore, pointed out to NPR that modern technologies allow for easy, accurate communication of Miranda Rights. Any law enforcement officer, for example, has at his or her disposal a cell phone that could have an accurate, universally understood translation – in plain language.

Texas State Representative Roberto Alonzo, in an interview with KDFW radio in Dallas, noted that "the best thing is for both sides to understand fully the police, just like defendants." Alonzo said that "I can tell you that unless it is culturally sensitive in the words, the way it's explained, a lot of people are making decisions incorrectly."

Founded in 2015 as a nonprofit membership organization, RIUSS understands that accurate translations – and interpretation – in law enforcement are indispensable, not only in cases of apprehensions and the reading of Miranda Rights, but in everyday encounters of Spanish-speakers with authorities.

Such needs occur in a variety of settings, even when law-breaking is not at issue. Rescues, natural disasters, riots, demonstrations, traffic accidents, emergency and routine health care and other situations call for what RIUSS calls

“plain language,” or, “*lenguaje claro*.” “Without clear, readily understandable language,” said RIUSS President Leticia Molinero, “peoples’ rights will be denied and essential services will not be provided adequately.”

RIUSS commends the American Bar Association, and in particular Alex Acosta, for identifying and acting on an urgent need in law enforcement and civil rights.

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