

Eric Whitmire

2016 Law Day Essay Contest

April 15, 2016

8:46 am, September 11th, 2001. American Airlines Flight 11 tore into floors 93-99 of the World Trade Center's North Tower. A child became fatherless, a country became heartbroken, and a world became fearful. One minute, out of all the moments in history, changed so much. If there was such a thing as simple living before, it was gone now. The United States needed to respond. No longer could safety be taken for granted, for it no longer existed. Terrorists have made their mark already, but promise much more. Life as we know it rests in the ability to stop terrorist organizations, and imprisoning terrorist individuals remains a top priority. The problem arises with how to convict these individuals without violating the human rights guaranteed to us by the Constitution. Under the Fifth Amendment arrestees are protected from self incrimination due to unfair law enforcement practices, yet the Obama administration has allowed a bypassing of this rule for terrorist suspects. This executive choice remains the right decision to ensure public safety, despite backlash insisting this does more harm than good, or is even impractical.

For instance, many claim that this act defies the Constitution, yet our Supreme Court has actually ruled that terrorist suspects may be classified in a way that legally takes certain rights from them. In 2004 the judicial system ruled that the president may label any citizen as an enemy combatant. This classification warrants interrogation before the time of arrest and without Miranda rights being given. Although this method is reserved for intense measures, terrorism most certainly qualifies as an extreme threat. The main fear that arises from this action involves practicality and human decency. The reason the Miranda Rights have become a requirement is due to law enforcement using severe intimidation and unethical tactics to force confessions out

of suspects. Not only can this be morally wrong, but confessions can be faked due to fear or insanity and therefore have no use in court. Although this situation is not ideal, it can be made better through improved techniques. For example, across the country police forces have been accused of harassing African American citizens for reasons regarding race. To be held accountable for their actions, many police officers now wear cameras situated on the body to show exactly how they interact. These “body cams” can be used in terrorism interrogations to make sure ethical lines are not crossed, making self confessions more legitimate. Although these types of solutions aren’t foolproof, they do show that through further thought, many opposing arguments to the Obama administration’s decision can be overcome.

Furthermore, it is a constitutional duty for the United States government to provide national security, and in certain instances taking away Miranda rights is needed for this. Most have heard William Blackstone’s famous saying, “It is better for ten guilty men to escape than one innocent suffer” and this is true. This statement emphasizes the need to keep innocent people from encountering unnecessary misfortune, but when terrorism is brought into the picture, we realize that the threat of terrorists endangers an enormous amount of people. The estimated civilian victims of the World Trade Center, Boston, Paris, and Brussels attacks total 3,142 deaths and over 7000 injuries. Every person included in these numbers was an innocent bystander. If the government is out to protect the innocent, then numbers like these can not be ignored. I am not saying that there is a simple right or wrong answer based on moral standards. What I do believe however is that it is *not* better for ten guilty men to escape and 10,000 experience intense anguish from it than for a few innocent to temporarily have the right to remain silent taken away from them.

Clearly, opposition to president Obama's decision to revoke Miranda rights falls short of proving him wrong. The Constitution has given him the right to remove these rights in extreme circumstances, and the world has indeed been thrown into an extreme situation. With millions in danger from the threat of terrorism, action, although not always ideal, has to be made. By keeping the rights of human beings in mind, and by following the Constitution, the U.S. can find effective ways to deal with problems as they occur. Hopefully the wide scale threat of terrorism will one day be taken care of, and moments such as 8:46 am, September 11, 2001 will remain a part of our past, not our future.