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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

John E. Reid

Conditions Which Invalidate an Alleged Voluntary Confession

In the case of *Ward v. Texas*, 62 Sup. Court Reports 1139 (1942), a Negro, convicted in a Texas court for murder, appealed to the United States Supreme Court on the ground that he had been denied due process by the Texas court, which admitted a signed confession allegedly obtained by coercion and duress. The defendant alleged that after the crime was committed he was questioned on several different occasions, but was not arrested. Three days later while the accused attended a church social he was arrested and brought to an adjoining county, and spent the night in jail in still another county. The next morning he was placed in custody of a Highway Patrolman in Smith County and transported to Henderson County 110 miles from his home where the confession in question was signed. Immediately thereafter the Defendant was brought back to his home county. The several officers with whom he came in contact denied the accusations that the defendant was whipped, beaten, and burned, and they claimed the reason for moving the accused from his home county was to protect him from mob violence.

The United States Supreme Court stated in substance that when a suspect is unable to exercise his free will in admitting or denying an accusation he may be compelled by prolonged and persistent questioning to make any statement the officers wanted him to make. The Court further declared that when a suspect is threatened with mob violence; or when an ignorant person is unlawfully held incommunicado; or when he is taken secretly to lonely and isolated places for interrogation, the resultant confessions are nullified. Each of these situations alone would be sufficient to set aside a conviction based upon a coerced confession, and, therefore, since the defendant was subjected to all of them he was denied due process of law under the Fourteenth Amendment.

During the last two or three years the United States Supreme Court has taken an increasing interest in criminal cases in which the defendants were convicted in state courts upon confessions obtained by prolonged interrogations or by various forms of "indirect force." [See *White v. Texas*, 310 U. S. 530; 60 Sup. Ct. 1032; 84 L. Ed. 1342 (1940), and *Chambers v. Florida*, 309 U. S. 227; 60 Sup. Ct. 472; 84 L. Ed. 716 (1940).]

The instant case is a further illustration of the Supreme Court's trend toward a restriction upon the means and methods which may be employed by a police interrogator in his efforts to obtain a confession.¹

¹ For a complete discussion of the type of physical suffering or force which will nullify a confession, see Inbau, F. E.; "Lie Detection and Criminal Interrogation," (1942) p. 120.