

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 4: The Early National Era – Criminal Justice/Investigations and Interrogations

State v. Guild, 10 N.J.L. 163 (NJ 1828)

James Guild, a twelve-year-old African-American boy, was accused of murdering Catharine Beakes, a sixty-year-old white woman. Guild confessed to the murder shortly after the crime took place. The trial court rejected that confession because Guild was told that he would not be punished if he confessed. Several months later, Guild repeated his confession. That confession was accepted into evidence. Guild was found guilty and sentenced to death. His lawyer appealed on the ground that the first confession tainted the second confession. The prosecution claimed that Guild's second confession was reliable and correctly admitted.

The Supreme Court of Pennsylvania ruled that admitting the second confession did not violate Guild's constitutional rights. Chief Justice Ewing emphasized that the second confession was reliable. Why does he believe reliability the crucial constitutional standard? How reliable do you think the confession was? Is reliability the correct constitutional standard?

The following opinion of the Supreme Court [was] drawn up by the CHIEF JUSTICE EWING.

...
... [T]he question must turn, not on the possibility, but the presence of influence; not whether influence once existed, but, whether it continued to exert its force. By the rule [proposed by the defense], the single enquiry would be, has a previous admission been made under improper influence? And if the answer be affirmative, the subsequent confession must be rejected, however thoroughly in the meantime the mind of the accused may be freed from such influence, and however perfectly truth and freedom of volition may have resumed their sway. Surely such a rule cannot prevail unless it be shown that the human mind having once lapsed into falsehood, must, by a necessity of its nature persevere, without motive or inducement. For if it be true, and the assertion will receive on all hands a prompt and ready assent, that a man having, under given circumstances, made either a false or a true statement, may under other circumstances retract his allegations, and with equal assurance assert the converse of his previous declarations; then it follows that the true criterion is, the actual state of mind of the accused, at the time the confessions were made, and the true question for solution, whether, at that time, he was under undue influence of hope or fear. It is readily admitted, that the antecedent hopes or fears, or other sources of influence are to be brought into account and weighed. It may even be conceded that when once a confession under influence is obtained, a presumption arises that a subsequent confession of the same nature, flows from the like influence, and that such presumption should be overcome before the confession ought to be given in evidence. But such presumption being satisfactorily repelled, the evidence ought to be received. ...

From a careful examination of principles, then, we are prepared to yield a full acquiescence to the doctrine laid down by JUSTICE DRAKE, on this occasion, in his charge to the jury in these words: "Although an original confession may have been obtained by improper means, subsequent confessions of the same or of like facts may be admitted, if the court believes from the length of time intervening, from proper warning of the consequences of confession, or from other circumstances, that the delusive hopes or fears under the influence of which the original confession was obtained, were entirely dispelled."

...

The true rule of evidence being thus shown, we proceed to the second ground of objection raised by the prisoner's counsel, and inquire whether the court had reason to believe, that the delusive hopes under which the original confession may have been obtained, were entirely dispelled? Whether, when the confessions, given in evidence, were made, the mind of the prisoner was labouring under or was freed from undue influence? These questions present pure inquiries of fact. What in point of fact was the actual state of mind of the prisoner? . . .

A period of between four and five months elapsed between the first confession and those which were afterwards made by the prisoner and received in evidence against him. In point of time, then the court may well have supposed, there was sufficient room for the first impressions to have subsided, and for the gleams of hope by which at the outset he may have been cheered, to have been dispelled. Soon after the prisoner was brought to gaol, John Thompson, esq. one of the magistracy of the county, had an interview with him, and told him he must abide the consequences of the act which he had confessed, and that he could not hope to escape. It is very probable the prisoner was not aware that he who thus addressed him was a justice of the peace, yet he could not fail to observe his age and his grave and venerable appearance so likely to excite attention to his remarks. On Saturday morning succeeding the arraignment of the prisoner, he was visited by Daniel Cook, esq. With his person and official character, he was doubtless acquainted, for he was the same person before whom the examination in writing of the prisoner had been taken. He told the prisoner that he must expect death, and prepare to meet it; and he mentions a striking fact serving to show the effect produced by the admonition. His countenance changed. His mind received and was touched by the awful warning of anticipated suffering. The delusion of hope was at the least shaken. By Charles Bonnel, esq. another magistrate, who sometimes saw him in gaol, he was cautioned against making acknowledgments to the boys as he was accustomed. If upon his arrest, any delusive hopes induced his confession, the disappointment which so soon succeeded would very naturally have removed them. Instead of being better off, he saw his condition become worse. Instead of being clear, he was placed in gaol; he was indicted; publicly arraigned; and assured by a respectable magistrate, that punishment would certainly overtake him. Such a failure of ill-raised expectations, would be apt to produce a revulsion of feeling. Confession had done him no service; had produced no alteration of his sufferings; had obscured instead of brightened his prospects of escape and impunity. What motive then to persevere in the avowal of his guilt? Such avowal had availed him nothing; and what hope then could have remained that any further confessions would be more beneficial? Instead of realizing the anticipation of safety, he found these confessions had brought him positive assurances of a melancholy doom. When then, he persevered in making these confessions, it is a most reasonable inference, that he was actuated by some other motive than the undue influence of previously conceived hopes of impunity. His counsel said, on the argument before us, that having once made the confession, it was natural for him to persevere in the same tale. Such may be the result, if the confession were true. But a steady adherence to falsehood, which he saw produced him no benefit, and was assured would consign him to death, cannot, it is believed, be reconciled with any ordinary principles of human conduct.

The counsel of the prisoner further insisted, that the taunts and reproaches to which he was repeatedly exposed from idle boys, who came to the door or passed by the window of his gaol, tended to keep up in his mind, an excitement unfavourable to the return of cool reflection. But the remarks made by him in any such moments of irritation, were not the confessions which were proposed as evidence on the part of the state, and whose admissibility are under consideration. And however he may have been led to reply harshly to remarks, equally harsh and thoughtless, to answer the fool according to his folly, it does by no means result, that the same temper would be felt towards the numerous, and some of them very respectable persons, with whom he conversed, and in a manner apparently serious and deliberate, related the melancholy tale. The idea that he saw in every person who approached him, an enemy, and therefore persevered in an avowal of the crime, is far more fanciful than just. Even a child would be prompted to silence in the presence of one whose hostility he knew or believed. If any thing escaped, the remarks would be few, even if harsh; but for such a person to avow a crime, to relate its most minute details, to expose himself thereby, as he was repeatedly assured, to imminent danger of the most severe

punishment, and the whole story to be a total falsehood, is inconsistent with nature and repugnant to credibility.

Upon a careful view, then of the circumstances of the case, we find no reason to disapprove of the conclusion in point of fact, which was drawn by the court. . .

...

The prisoner was sentenced and executed.



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