

3237

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Registration Form

DEC 28 1988

NATIONAL  
REGISTER

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name Maricopa County Courthouse  
other names/site number County-City Administration Building

2. Location

street & number 125 West Washington Street N/A  not for publication  
city, town Phoenix N/A  vicinity HAMMILL  
state Arizona code AZ county Maricopa code D13 zip code 85003

3. Classification

Ownership of Property	Category of Property	Number of Resources within Property	
<input type="checkbox"/> private	<input checked="" type="checkbox"/> building(s)	Contributing	Noncontributing
<input checked="" type="checkbox"/> public-local	<input type="checkbox"/> district	<u>1</u>	_____ buildings
<input type="checkbox"/> public-State	<input type="checkbox"/> site	_____	_____ sites
<input type="checkbox"/> public-Federal	<input type="checkbox"/> structure	_____	_____ structures
	<input type="checkbox"/> object	_____	_____ objects
		<u>1</u>	_____ Total

Name of related multiple property listing: None  
Number of contributing resources previously listed in the National Register 0

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this  nomination  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property  meets  does not meet the National Register criteria.  See continuation sheet.  
Sherren Server 12/22/88  
Signature of certifying official Date  
Arizona State Historic Preservation Office  
State or Federal agency and bureau

In my opinion, the property  meets  does not meet the National Register criteria.  See continuation sheet.  
\_\_\_\_\_  
Signature of commenting or other official Date  
\_\_\_\_\_  
State or Federal agency and bureau

5. National Park Service Certification

I, hereby, certify that this property is:  
 entered in the National Register.  
 See continuation sheet.  
 determined eligible for the National Register.  See continuation sheet.  
 determined not eligible for the National Register.  
 removed from the National Register.  
 other, (explain:) \_\_\_\_\_

Bruce J. Noble, Jr. 2/10/89  
\_\_\_\_\_  
Signature of the Keeper Date of Action

for

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**6. Function or Use**

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Historic Functions (enter categories from instructions)

Government/County Courthouse  
Government/City Hall  
Government/correctional facility

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Current Functions (enter categories from instructions)

Government/County Courthouse  
Government/Government Office

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**7. Description**

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Architectural Classification  
(enter categories from instructions)

Mission/Spanish Colonial Revival  
other: Eclectic

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Materials (enter categories from instructions)

foundation terra cotta  
walls terra cotta  
roof ceramic tile  
other cast iron grilles

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Describe present and historic physical appearance.

**SUMMARY:**

The Maricopa County Courthouse and Phoenix City Hall, sometimes known as the County-City Administration Building, is a monumentally-scaled building constructed in 1928-1929 on a full city block in the center of downtown Phoenix, Arizona. Constructed as a joint effort of Maricopa County and the City of Phoenix, the structure served in two capacities and is essentially two functionally separate buildings integrated into a single design. Stylistically, the courthouse is an eclectic blending of numerous Neoclassical and Period Revival forms that are combined into a symmetrical composition which reflects several elements common to the late 1920s. In its downtown location, the building is located between two major east-west thoroughfares and is adjacent to the modern Maricopa County and City of Phoenix administration complexes constructed in the 1960s and several high-rise commercial structures.

Exterior Description:

The building has an H-shaped plan with overall dimensions of approximately 130' x 230'. Dominating the building is a six-story central block with seven pronounced vertical bay divisions. Projecting four-story, three-bay-wide wings flank the main block on the east and west sides and are connected to the main block by single-bay connecting wings. The result is a structure that presents a wide and imposing facade to the major streets on the north and south. It is the north (Washington Street) facade that contains the main entry to the county portion of the building and therefore functions as the dominant elevation.

The building is constructed of poured-in-place concrete and utilizes a conventional concrete frame. The exterior surface is clad in rusticated terra cotta panels of variegated colors that

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simulate a yellow sandstone and create the appearance of a masonry structure. Other materials include polished Texas granite, red clay roofing tiles, cast iron window surrounds, and cast iron grillwork and bronze ornamentation within the two formal entrances. The windows proper are simple steel casement sash with varying multi-paned configurations. The variety of window framing patterns, which utilize stylistic vocabulary from several periods, and changes in materials create a sculptural effect in the exterior design.

Although the building is dominated by the mass of a vertical central core, its exterior embellishment and sheathing create a pronounced emphasis on horizontality. The structure sits on a raised foundation story of evenly coursed terra cotta panels. This level has evenly spaced rectangular window openings that have no ornamentation. The uppermost band of this course is beveled at the top edge, creating a water table between this lower foundation segment and the wall segment above. The cornerstone is located in the foundation level at the northeast corner of the building.

The upper half of the building's base level consists of coursed terra cotta panels, with the panels laid in a running bond pattern. Evenly spaced window openings at this level also have no articulation. The second level rises to a stringcourse and is topped by a single course of terra cotta terminating in a projecting rounded molding that serves as a sill course connecting the base of the windows of the second story. Also on the main facade, the three main bays of the projecting wings are connected by common projecting balconies supported on curved brackets. The balustrades of these balconies are comprised of a double band of circular forms.

The lower foundation level of the north elevation contains the formal entrance to the building. Approached by a monumental flight of granite steps, the entry is set within a round arch. The opening is flanked by fluted pilasters of polished granite, which have stylized capitals featuring a raised chevron design. The arch itself is topped by radiating voussoirs. The entire entry is then flanked by raised piers terminating in curvilinear console brackets, each of which has a suspended iron sconce. Above the arch is the inscription "MARICOPA COUNTY COURT HOUSE." The entry proper consists of a pair of bronze doors with full glass panels; above the door is a field of ornamental ironwork.

The upper two stories are the most ornamental. They display a third masonry expression of terra cotta panels set in a randomly

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coursed ashlar pattern. Scattered panels are of slightly contrasting colors that create a variegated effect. The upper wall segments feature two-story, vertical-bay divisions, each separated by a raised pier topped by a console bracket identical to those found in the main entry. On the seven prominent bays of the main block, the bays rise to a segmental arch with radiating voussoirs, again repeating the entry design elements. With these bays, the spandrel panels and the arched areas exhibit a raised floral design. The window bays create a Neoclassical expression that is based more on the form of the composition than on any particular detail.

On the flanking wings, the two-story bays rise to an archivolt molding with a chevron pattern, and the bays are again flanked by piers and console brackets. At the second level, on the side wings, the windows are framed by cast iron surrounds that are a signature detail of the building. This detail is the one element which lends a Southwestern image to the courthouse. The side wings have flat roofs, and the roof lines are articulated by terra cotta copings with floral motifs at regularly spaced intervals.

The two top stories form a large interior tower that rises from the central mass of the main structure. This section is also divided into seven vertical divisions by the continuation of the piers from the lower stories of the facade. These piers also project above the roof line, terminating in a console-shaped motif. Each pier also displays a floral medallion just below the eave line. The corners of this upper-facade section are beveled, which further sets off this upper area from the main structure and adds a vertical emphasis to the central portion of the building. In contrast to the side wings, the central mass has a hipped roof sheathed with clay tiles. (Historic documentation indicates that seven colors of tiles were used on the roof. This is no longer evident, probably as a result of soiling.)

The two upper stories, which contain the jail, have different window treatments. The fifth floor openings are infilled with a honeycomb pattern of circular tiles and the openings are framed with cast iron surrounds similar to those on the main windows of the second story. The sixth story has conventional steel frame windows. Openings on both of these upper stories are flanked by the vertical piers.

The other primary facade of the building, the west facade, faces onto Second Avenue. This facade contains the main entrance to the

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city portion of the building. This entrance is centered along the nine-bay wall and, as the county entrance, is approached by a monumental flight of stairs leading to a recessed arched opening. The arch is flanked by terra cotta sculptures of the mythological phoenix bird, which rose from the ashes of an earlier civilization. The wall adjacent to the entry doors is entirely of polished granite, and the paired, multi-paneled solid doors are of bronze. Above the arch, the words "PHOENIX CITY HALL" are inscribed in raised letters.

The south and east elevations of the building are identical in detailing, design, and fenestration to the north and west elevations. Supplementary entrances are centered along both walls, and various service entries and facilities are located along the south wall.

### Interior Description

The interior of the building is equally as elaborate in detail as the exterior; numerous materials are utilized. As suggested by the H-shaped design, the floor plan functions around a longitudinal corridor running east and west through the building. There is a grand entrance foyer behind the entrance to the county portion of the building. This foyer, a grand semi-circular stairway to the second story, and the adjoining public hallways have wainscots of Italian Montenelle marble. Other wainscoting and base trim are of pink Tennessee marble, trimmed with Belgian black marble. Window sills throughout the building are also of Tennessee marble. Even the rest room areas feature gray Alaskan marble. Paneling and other woodwork found throughout the office areas and courtrooms is Philippine mahogany.

The detailing of the interior is in a sharp stylistic contrast with the exterior. The main first-floor lobby and hallways are ornamented with Spanish Colonial Revival details, most notably the stenciled beams on the ceilings of the hallway and lobby area. Unfortunately, most of the original ceilings are covered with suspended acoustical panels, resulting from insensitive remodelings over the years. Fire-rated doors have also been installed in various corridors. Some original areas have been reconfigured to create additional rooms. Most of this renovation work is reversible; the original ceilings and marble wainscots are still present, although in some areas they have been obscured. Many significant spaces remain unchanged. The courtrooms are predominantly intact and are still in use.

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Integrity

In spite of the interior modernizations previously mentioned, the building exhibits an extremely high degree of integrity. The exterior is essentially unaltered from the date of construction and most of the interior modifications are reversible. Some minor changes have been made to the landscaping of the site, but the basic setting of the Maricopa County Courthouse, in its prominent downtown Phoenix location, remains unchanged.

GAFFNEY FOUNDATION  
1015 CENTRAL AVENUE  
PHOENIX, ARIZONA 85004

### 8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

nationally  statewide  locally

Applicable National Register Criteria  A  B  C  D

Criteria Considerations (Exceptions)  A  B  C  D  E  F  G

Areas of Significance (enter categories from instructions)

Period of Significance

Significant Dates

Politics/Government

1928-1938

1929

Architecture

Cultural Affiliation

N/A

Significant Person

N/A

Architect/Builder

Edward F. Neild

Lescher & Mahoney

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

### SUMMARY

The Maricopa County Courthouse and Phoenix City Hall, commonly known as the Maricopa County Courthouse, was constructed in 1928-1929. It is significant under National Register criterion "A" for its association with the development and maturation of local government in Arizona. Constructed as a joint facility for the City of Phoenix and Maricopa County, respectively the state capital and most populous county in Arizona, the Maricopa County Courthouse is representative of the dominance exerted by the City of Phoenix and Maricopa County over statewide political and governmental affairs. The building is considered to possess importance at the statewide level during the period from 1928 to 1938.

The building is also eligible for the National Register under criterion "C" as a major expression of Eclectic and Period Revival design in the late 1920s. Intended to be a monumental achievement, the building was designed by Edward F. Neild, a prominent Shreveport, Louisiana, architect, in collaboration with the respected Phoenix architectural firm of Lescher and Mahoney. The building is a noteworthy work of these two firms and is significant on a statewide level because of the preeminence of Lescher and Mahoney as the dominant firm in the design of public buildings throughout Arizona at that time.

### APPLICABLE CONTEXTS

Two historic contexts are directly applicable to the Maricopa County Courthouse. Both contexts are at the state level. Context one is "the development and maturation of local government in Arizona during the late 1920s and early 1930s." Context two is "Eclectic and Period Revival architecture in Arizona during the late 1920s."

See continuation sheet

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### CONTEXT ONE

#### The Development and Maturation of Local Government in Arizona During the Late 1920s and Early 1930s

The construction of the Maricopa County Courthouse represents the maturation of city and county governments that occurred in Arizona during the third and fourth decades of the twentieth century. From humble beginnings, city and county governments grew to meet the burgeoning needs of an expanding population. The Maricopa County Courthouse and Phoenix City Hall is the architectural manifestation of this important development in Arizona history.

The construction of county courthouses correlates to Arizona Territory legislation enacted in 1871 requiring each county to construct a courthouse and to maintain a suitable jail. In a sometimes turbulent era, these civil structures were deemed absolute necessities. At first, most county operations were housed in various temporary quarters. Later, as the counties became more prosperous, permanent facilities were constructed. Concerns about county facilities culminated shortly after the turn of the century. By 1909, the original four counties had been subdivided into fourteen (a fifteenth was created on January 1, 1983). In the years between 1895 and 1918, ten Arizona counties erected courthouses to provide expanded facilities and replace earlier, temporary quarters. This initial era attests to the expanding population of the territory and the state, and to the increasing importance and stability of local government.

The Maricopa County Courthouse represents a later era. Completed in 1929, the building is indicative of the maturation of local government in the state's rapidly expanding urban areas. By the late 1920s, the communities of Phoenix and Tucson were well established as centers of population and political control in the central and southern sectors of the state. Concomitant with the increased responsibilities of local government officials was a realization that the seat of local political power required an edifice of monumental proportions. The Pima County Courthouse (constructed 1929, National Register listed June 23, 1978) and the Maricopa County Courthouse represent the culmination of political evolution for the state's two major urban areas. In a statewide context, the Maricopa County Courthouse reflects the maturation and growth of the State of Arizona and the City of Phoenix during the decades prior to World War II.

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### County History

Maricopa County was created from the subdivision of one of the original four counties (Yavapai, Mojave, Yuma and Pima) established in 1864 after Arizona became a territory in 1863. Because of a growing population in the Salt River valley and because of long distances to the previous county seat at Prescott, the territorial legislature created Maricopa County in 1871 from a portion of Yavapai County. Voters selected Phoenix as the seat of the new county. A portion of Pima County was added two years later, placing the entire Salt River valley under unified political control.

The Maricopa County Board of Supervisors first met on February 28, 1871, in a building known as Hancock's Store at the corner of what is now Washington and First streets. This was a one-story adobe building with earth floors and a roof of cottonwood poles and arrowweeds. Later that year, the board moved to another adobe building, this one located at the corner of Washington Street and First Avenue and known as the Hancock-Monihon Building. This larger building served as a house of worship when it was not being used for county business.

The county purchased its first building on July 6, 1875, from Michael and Morris Goldwater. Known as the Clementia property, this adobe building was located on the south side of Washington Street between what is now Central Avenue and First Street. The building, formerly a store, housed the offices of the board of supervisors, clerk, probate judge, recorder, treasurer, and sheriff. The one-story building contained a central court room that was surrounded by offices. A jail, which consisted of a row of adobe cells set into a high adobe wall, was located at the rear of the building. Prior to the construction of the jail, prisoners were chained to a heavy rock "deadman" while awaiting trial.

The board soon began plans for a permanent county building. On March 10, 1879, the board directed the county clerk to advertise for plans and specifications for a new building to cost \$28,000. The board approved the plans of A. P. Petit on August 5, 1879, but on September 1 reconsidered their decision and decided not to build. A second false start occurred on July 6, 1881, when the board accepted the plans for a new courthouse designed by H. R. Patrick; on August 28 the supervisors again decided not to proceed with the construction.

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The territorial legislature then stepped forward. On January 27, 1883, it passed an act directing Maricopa County to erect a courthouse in Block 76 of the original townsite. The property had been set aside for county use when the original Phoenix townsite was patented on April 10, 1874. Governor John Fremont approved a \$25,000 territorial appropriation for the building. The county also sold bonds and used the proceeds from the sale of the old courthouse to complete the construction.

On February 12, 1883, the board advertised for plans and specifications that would be used for the new building. The advertisement stated that the building must be constructed of brick, contain both a courthouse and a jail, be two stories high, and contain the offices of the district judge, district attorney, clerk of the district court, and board of supervisors. The board accepted the plans of Frank Walker, who had designed the Cochise County Courthouse in Tombstone. Although Walker was initially appointed superintending architect, he was succeeded by H. R. Patrick on July 6, 1883.

The original Maricopa County Courthouse, completed in 1884, was a dominant landmark in Phoenix for the next forty-four years. The imposing brick building, two stories high above a basement, was constructed in a long rectangle oriented north and south with shallow wings east and west, forming a cross. A low pitched gable roof led to a central clock tower. Steps rose on three sides of the building, and the main entrance on Washington Street featured a pillared portico. The jail had heavy brick walls lined with pine lumber spiked together in a manner designed to frustrate the escape of prisoners.

City History

The origin of the City of Phoenix is generally accepted as beginning with the establishment of a permanent camp by John Y. T. Smith near the Salt River in 1865. On May 4, 1868, Phoenix was first recognized as a political entity when the Yavapai County Board of Supervisors created an election precinct at Phoenix Settlement. The settlement was located near John Swilling's irrigation canal, the Salt River valley's first historic-era canal. The Valley also was opened to homesteading in 1868 and by October 20, 1870, Valley settlers had formed the Salt River Valley Town Association.

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The movement to erect a city hall in Phoenix began during the administration of Mayor DeForest Porter in 1887. The city council passed an ordinance on May 25, 1887, authorizing the issuance of bonds for the construction of a city hall. It was to be located on the block bounded by Washington, Jefferson, First, and Second streets known as the "Plaza". In September, the mayor and council approved a sketch by councilman Fowler and authorized architect James Creighton to prepare plans and specifications based on the Fowler sketch. A construction contract in the amount of \$15,580 was awarded to John J. Gardiner on November 15, 1887, and five days later Gardiner commenced work on the building. By July 2, 1888, the building was completed and presented to city officials.

The building provided much needed space for municipal functions during the initial years of Phoenix. The city hall served the citizens of Phoenix for the next forty years. The building served the citizens of the state as well, for it housed the offices of the territorial government from 1889 to 1901. The new capitol was completed in 1901.

### The Maturation of Phoenix

Phoenix and Maricopa County experienced steady if not speedy growth from the 1880s until the second decade of the twentieth century. In 1911, Roosevelt Dam was completed on the Salt River, regulating its flows, assuring a stable water supply, and bringing life-giving water to the agricultural lands in the Valley. In 1912 Arizona achieved statehood. These two events ushered in an expansive period of prosperity and growth for the Salt River valley. From a sleepy town with a population of 11,134 in 1910, Phoenix grew to 48,118 residents by 1930.

This twenty-year period also saw the architectural evolution of Phoenix, as many new buildings were constructed. The town changed from a small agricultural village to the dominant urban center of Arizona. The central business district witnessed an increase in the size and height of commercial office buildings and hotels. Eight high-rise buildings (six stories or more) were constructed in the downtown core during the 1920s and early 1930s. Many smaller buildings filled in the fabric of the urban streetscape. Dominant commercial buildings constructed during this era include the Westward Ho Hotel (1929), the Luhr's Building (1924), the Luhr's Tower (1929), and the Title and Trust Building (1931).

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By this time, both the county and city administration buildings were overcrowded, having been built in a different era. The earlier facilities were no longer adequate to meet the needs of a mature urban center. On April 28, 1927, the board of supervisors passed a resolution stating that the current courthouse and jail were inadequate, that additional space was needed for county departments, and that additions to the 1884 courthouse would be wasteful and create fire hazards.

Local government leaders recognized the need for a building worthy of the aspirations of the community, and the board of supervisors called for an election on May 21, 1927, for the purpose of issuing bonds in the amount of \$750,000 for the construction of a new building on Block 76 (the same site as the 1884 courthouse). The citizens of Maricopa County approved the measure by a vote of 3,489 to 780. On June 15, 1927, the board announced a competition for the selection of an architect for the building. The board issued a notice for the sale of the bonds on June 16, 1927, and bids were opened on July 18. Nine investment firms and banks bid on the bonds; the Valley Bank of Phoenix was the successful bidder.

The City of Phoenix was also interested in expanding its facilities and saw the proposal for a new courthouse as an opportunity to construct a new city hall. The idea for a joint county-city building received its major impetus from a group of reform-minded citizens. On March 16, 1927, Judge Frank O. Smith spoke to the city commission on behalf of a Phoenix Chamber of Commerce committee that supported a joint building. Judge Smith spoke to the commission again on May 4, and on May 9 the board of supervisors sent the city a letter expressing a desire and intent to cooperate on a joint building. The chamber of commerce urged the county and city leaders to construct a building worthy of the dominant position Phoenix held in the state.

On May 11, 1927, Mayor Jefferson stated that he felt the city and county should "work hand and glove on this matter." Board chairman Phillips expressed the general sentiment that the city and county work together on the venture, and a meeting of the two governmental bodies was set for May 12. Judge Smith and his chamber of commerce committee kept up a steady pressure on the city to work with the county to construct a joint building. Smith appeared before the commission several times and urged for prompt action.

On June 8, 1927, an appraisal of Block 76 was ordered by the board, and on June 15 the appraisal report valued the land as follows:

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the west third was worth \$150,000, the center third \$100,000, and the east third \$200,000. On June 20, 1927, the board of supervisors accepted an option from the city for the west third of the property for the construction of a new city hall. On July 8, 1927, the city commission passed Ordinance 986, calling for a special bond election in the amount of \$450,000 to purchase the west third of Block 76 and to build the new city hall. The election was held on August 16, 1927, and the city residents voted 460 to 164 in favor of expending \$150,000 to purchase the land, \$250,000 to construct the new building, and \$50,000 to purchase equipment.

### Design and Construction

In the meantime, the board of supervisors began its homework. Several members conducted a fact-finding tour of eastern and southern states during the summer of 1927 to evaluate the state of the art in courthouse construction. They met with other boards and commissions, and toured government facilities of all types. Armed with this information, the board was ready to select an architect from the seven aspirants in the design competition. On September 15, the board began consideration of plans for the new building.

Several prominent architects and architectural firms submitted plans for the building. Included were William N. Bowman of Denver, Fitzhugh and Byron of Phoenix, Lescher and Mahoney of Phoenix, Edward F. Neild of Shreveport, Henry T. Phelps of San Antonio, Trost and Trost of El Paso, and V. O. Wallingford of Phoenix. Wallingford was widely known in the state for his architectural activities; Lescher and Mahoney were prominent designers of schools and public buildings; Bowman had designed the Yavapai County Courthouse; Trost and Trost were well known and had designed the Luhr's Building; and Neild was the architect for the Caddo Parish Courthouse in Shreveport, Louisiana, which favorably impressed the supervisors during their tour. Each architect submitted plans and described its particular attributes.

After considerable debate, the supervisors continued the decision until the next meeting. On September 19, 1927, the board decided to select the plans and specifications of Edward F. Neild. Neild received the votes of S. K. Phillips and J. T. Bone; A. G. Austin voted for William N. Bowman. The decision was not without controversy -- the City of Phoenix supported the local architectural firm of Lescher and Mahoney. The board stated that "this decision was reached after thoughtful consideration of a number of architects of wide experience."

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With regard to Neild, the board stated:

"The reputation of Mr. Neild as an experienced architect, in designing courthouses and other large structures came to the board several months ago from a large number of sources. The board took occasion to ascertain the facts regarding his ability as an architect as well to examine a number of his buildings, which speak more eloquently than words, of his knowledge of courthouse designing. In support of his ability as an architect, it was found in conferring with commissioners and boards under whom he worked that he always kept the building within the money provided for the purpose, which is a very important consideration, inasmuch as our funds are barely ample to carry out the plans." (*Arizona Republican*, September 20, 1927)

Two days later, the board and city officials worked to reduce the differences between the two parties. Board chairman S. K. Phillips stated, "The selection of Edward F. Neild as our architect will not serve as a bar to the erection of a joint administration building." Phoenix city manager Henry Rieger also expressed a desire to put the differences of the two government entities behind them. He noted that "the city commission and other municipal officers have favored the selection of a local architect for city plans," but "will be glad to collaborate with Mr. Neild, the county's architect, in 'hooking up' plans and specifications for the joint building."

On October 24, 1927, a tentative contract with the city for the construction of the building was approved, and on April 19, 1928, the city took possession of the west third of Block 76 in the original townsite. Phoenix selected the architectural firm of Lescher and Mahoney to design their portion of the joint building with little fanfare or controversy, and on November 8, 1927, signed a contract with the firm. Since Neild was the county architect, the contract called for the design of the building to be under his supervision and for the building to have unified exterior appearance. However, Lescher and Mahoney added some special touches to the exterior of the Phoenix City Hall portion and were largely responsible for its ornate interiors.

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On April 5, 1928, the board called for sealed bids to select a general contractor for the building. Fourteen bids were received from construction firms throughout the West. The construction contract was awarded on May 28, 1928, to the Los Angeles firm of Edwards, Wildey and Dixon. When making the selection, the board noted that it was particularly impressed with the firm's work on the Security-Pacific Building, recently completed in downtown Phoenix.

Other contracts were awarded by the board to English Electric Company (electrical wiring), F. D. Reed Plumbing Company (plumbing), Elliot Engineering (heating and ventilating), Southern Prison Company (jail equipment), J. D. Halsted Lumber Company (hardware), O. B. Marston Company (vault doors), and Baker Iron Works (elevators).

The contract award process did not always go smoothly. When bidding the contract for furniture and light fixtures, the board called for bids without waiting for architect Neild to complete the specifications. The request also called for the contractor to supply the highest quality merchandise for the sum of \$47,000, no more and no less. Berryhill Office Equipment Company brought suit in Maricopa County Superior Court, alleging that the county had failed to follow prescribed bidding practices by not having specifications on file during the bidding period and not calling for a lowest and best bid.

Although Superior Court Judge Joseph S. Jenckes held in favor of the county, Berryhill appealed the case to the Arizona Supreme Court. On April 4, 1929, the court ruled that the county had failed to follow proper bidding procedures (Berryhill Office Equipment Co. et al. vs. Phillips et al., 276 Pac. 4). The county was required to go through the bidding process again, this time with careful attention to detail. Not surprisingly, Berryhill was not among the successful bidders. On June 14, 1929, the county awarded contracts to C. F. Weber (metal furniture), Newton & Hoit (wood furniture), and Bailey-Reynolds Chandelier Company (light fixtures).

On November 11, 1928, the city commission and the board of supervisors hosted a dedication ceremony conducted by the Arizona Grand Lodge of Masons. At this time the building was half completed. The festivities included a parade from the Masonic Temple. Judge Frank O. Smith, who spearheaded the initial drive for a joint

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building, served as master of ceremonies and introduced the main speakers. The occasion was highlighted by United States Senator Carl Hayden (acting Grand Orator of the Grand Lodge) and by Col. John Philip Sousa (conductor of the Marine Corps Band).

Hayden gave a history of the Masonic Order and noted that Masonic member George Washington had laid the cornerstone of the national capitol. "I hope," he said, "that the present building, like the ancient cathedrals, will grace the spot for many years and that it will be a building for free people and the preservation of freedom." He also outlined the history of county buildings in Phoenix and closed with a declaration that the Grand Masonic Lodge of Arizona was "proud to have taken a part in the erection of such a building." For his part, Sousa merely acknowledged the small crowd (construction fences were still in place) by saying simply "I thank you."

A cornerstone of polished Arizona granite was laid in the northeast corner of the building. A small capsule made of native Arizona copper and containing copies of current county newspapers and magazines, copies of documents pertaining to the construction of the building, a photograph of the 1888 City Hall, a map showing the location of prehistoric irrigation systems in the county, and various emblems and coins was placed behind it. Lloyd C. Henning, Grand Master of the Grand Lodge of Arizona, F. and A. M., mortared it into place with a silver trowel. The cornerstone carries the names of the county supervisors, architect, contractors, and Grand Master of the Masonic Lodge, along with the date 1928.

The building was originally scheduled to be completed by April 1, 1929, but its progress was slowed by normal construction delays and the lawsuit. On June 21, 1929, architect Neild reported favorably on the installation of the jail equipment, one of the most critical elements in the building. His representative in Phoenix, Perry Bridges, completed a final inspection on June 22, 1929, and reported the building fit for occupancy. The board of supervisors accepted the report and formally took possession of the building on June 23. Total cost for both the city and county portions was \$1,200,000.

Government/Political Associations

The city portion housed all city offices and the county portion housed all the county offices and courts, and a jail on the fifth and sixth floors. The construction of the building enabled both

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Continuation Sheet**

Section number 8 Page 10

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government entities ample office space to handle the many chores involved with governing a large population and geographic area.

In contrast to most county courthouses in Arizona, the Maricopa County Courthouse represents the maturation rather than the beginnings of local government in the state. Most courthouses were constructed during the initial years following the establishment of county government. The Maricopa County Courthouse represents a second era -- one that exemplifies the maturation and growth of the city and county, as well as the state as a whole.

The construction of the joint county-city administration building reflects the increasing importance of local government in Arizona at a time of major economic growth. As the state became more responsible for the administration of government on a broad basis, particularly in rural areas, city and county government in the prosperous and populous Salt River valley took up a greater proportion of the everyday tasks necessary for a stable society. That the building correlates with these increased political and economic responsibilities is evidenced by its monumental architecture.

All important county and city business was conducted within the building. One of the most important functions was the administration of justice. The building housed the City Justice of the Peace Court and the Maricopa County Superior Court. Over the years, literally thousands of significant legal decisions were rendered in the building.

Among the major cases tried in the Maricopa County Courthouse was one that led to the landmark United States Supreme Court ruling known as the "Miranda Decision." Although this case took place after the historic period of significance for the building (limited to 1928-1938 for the purposes of the National Register), it is, nonetheless, an excellent example of the important role the building played in local government.

In the early 1960s, Ernesto Miranda was awakened by Phoenix police and taken to their headquarters for questioning. He was accused of robbery and was also told that he was a suspect in a kidnap/rape case as well. Forced to go through a police lineup, Miranda was refused the opportunity to seek legal counsel. In addition, at his preliminary hearing, his request for the court to appoint a lawyer on his behalf was refused. Even though he was afforded an attorney

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National Park Service

## National Register of Historic Places Continuation Sheet

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when his case was tried in the Maricopa Superior Court, it was to little avail. He was convicted of rape, kidnap, and robbery.

The case was eventually appealed to the United States Supreme Court. The focus of the appeal was the failure of the government to afford Miranda legal representation and to inform him of his rights. The appeal was successful, and in 1966 the court handed down its famous ruling. Scholars in history and law have postulated that this is one of the most important legal decisions in the entire history of American law.

Miranda was eventually freed, only to be attacked and knifed to death in a barroom brawl several years later. However, his name lives on in judicial and civil rights history. A poll taken by the American Bar Association in 1976 ranked the case fourth in importance in the entire history of the United States Supreme Court. This landmark case was first tried in the ornate courtrooms of the Maricopa County Courthouse.

By the 1950s, the needs of the City of Phoenix and Maricopa County expanded to such an extent that the old building was no longer able to meet the demands for which it was built. Arizona experienced a dramatic expansion in population in the years following World War II. Population in Phoenix grew from 65,414 in 1940 to 241,899 in 1960, and the area within the city limits grew from 9.6 to 52.6 square miles. This later period represents the growth of modern Arizona as it is known today. The structures associated with its historic era of maturation no longer seemed viable.

As early as 1949, Phoenix city officials began to explore options for a new city hall. Their need for additional space was such that the city wanted a new building for its exclusive use. By the late 1950s, the needs reached pressing proportions. In April 1957, city voters authorized \$4.3 million for the construction of a new city hall. The old city portion of the Maricopa County Courthouse, constructed when the city population was one-eighth of its 1957 size, was entirely inadequate.

The new Phoenix Municipal Building was completed in 1963 and is a modern ten-story concrete structure faced with precast concrete, white quartz aggregate panels. It is located on the block immediately west of the Maricopa County Courthouse and Phoenix City Hall. Directly south of the new building is the one-story Council Chambers, a building 80 feet in diameter.

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National Park ServiceNational Register of Historic Places  
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Maricopa County also grew out of the old courthouse in the early 1960s. In 1964, the Maricopa County Governmental Complex was completed. Of modern design, it contains of the Superior Court Building (9 stories), the Sheriff's Office and Jail (5 stories), the Supervisors' Auditorium (1 story), and the Administration Building (6 stories). Architects Stephen, Walsh, Emmons, and Shanks designed the \$11 million complex.

Although local government in Arizona has shifted from a period of initial maturity to one of continued growth, the old Maricopa County Courthouse is still seeing active service, and plans are underway to begin the total restoration of the building.

**CONTEXT TWO**Eclectic and Period Revival Architecture in Arizona During the Late 1920s

The Period Revival style of architecture gained statewide importance in Arizona during the late 1920s. In residential housing, designs shifted from Bungalow styles to Period Revival styles in the Mission, Spanish Colonial, and Tudor expressions. For commercial and public buildings, predominately Neoclassical styles were replaced by Moderne, Renaissance, Spanish Colonial, and Mission styles.

Although the late 1920s and early 1930s saw the construction of numerous residential and commercial buildings in Period Revival styles, the construction of public buildings in these styles was rare. In Phoenix, only the Spanish Colonial Revival style United States Post Office (constructed 1932-1936, National Register listed) and the Maricopa County Courthouse departed from fairly standard Neoclassic designs. Although the Phoenix architectural firm of Lescher and Mahoney was largely responsible for public buildings in Arizona, the unique design of the Maricopa County Courthouse was the work of Shreveport, Louisiana, architect Edward F. Neild.

The building is the only known work by Neild in Arizona. He first rose to prominence by designing schools in Louisiana. By 1928, he had completed the C. E. Bird High School and the Louisiana Avenue School in Shreveport and had completed the design for a junior high school in Baton Rouge. These buildings are essentially Neoclassical, but they show other Period Revival-style motifs.

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National Park Service

## National Register of Historic Places Continuation Sheet

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Based on this early success, Neild was selected to design the Caddo Parish Courthouse in Shreveport, Louisiana. Completed in 1928, the building still retains strong classical emphasis; but the effect is lightened measurably by the inclusion of Period Revival and Moderne details, and the overall form of the building is atypical for the style. The Maricopa County Courthouse is strongly reminiscent of the Caddo Parish Courthouse, but Neild was much more flamboyant with his integration of Period Revival and Moderne influences, as well as Southwestern regional elements, such as Spanish tile on the roof. The resulting building has numerous references to several stylistic trends and illustrates the eclectic blending of form and materials found in progressive buildings of the late 1920s.

In later years, Neild expanded his practice to include other types of buildings but still concentrated on public construction. One of his most important later projects is the Louisiana State Exhibit Building in Baton Rouge. Constructed to house permanent exhibits at the site of the Louisiana State Fair, the building was designed by Neild in association with his son, Edward F. Neild, Jr., and D. A. Somdal. The main exhibit building is a huge circular structure, 116 feet in diameter, with two subsidiary wings housing a museum and auditorium.

The firm of Lescher and Mahoney, initially Lescher and Kibbey, was established in Phoenix in 1912 and grew rapidly into statewide prominence. The vast majority of its early work centered on public buildings, including schools and courthouses. After 1930 its major projects shifted to commercial commissions, primarily in Phoenix. The firm worked in numerous styles, conforming to trends of the time. Major buildings in the early years were predominantly Neoclassic in style. This period is represented by the Mohave County Courthouse (1912) in Kingman, the Graham County Courthouse (1916) in Safford, and the Florence High School (1916). These buildings are listed on the National Register of Historic Places.

Lescher and Mahoney was extremely active around the state. Between 1912 and 1941, it completed eighty elementary schools in small communities. During the 1930s, the firm's work on elementary schools declined and on high schools increased. In total, Lescher and Mahoney designed 132 major school buildings in Arizona, primarily in the 1920-1940 period.

By the mid-twenties the firm's work shifted toward Spanish Colonial Revival and Mission Revival forms, often retaining the formality

**United States Department of the Interior  
National Park Service**

**National Register of Historic Places  
Continuation Sheet**

Section number 8 Page 14

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and symmetry associated with the preceding Neoclassic and Renaissance Revival forms. It was also in this period that the firm became more active in commercial buildings, capitalizing on its growing reputation. The departure from the Neoclassic designs is indicated by the Spanish Colonial Revival Orpheum Theatre (1928). The stylistic shift continued with the Moderne style Title and Trust Building (1931) and was essentially complete with the International style Hanny's Building (1947). Stylistically, these later buildings combine Neoclassic, Mission, Spanish Colonial, Moderne, and International motifs. All of these buildings are listed on the National Register of Historic Places.

The collaboration of Edward F. Neild and Lescher and Mahoney on the Maricopa County Courthouse resulted in a well-designed and constructed building that has served its community well for over half of a century and has become a focal point in the downtown Phoenix streetscape of high-rise modern buildings.

**9. Major Bibliographical References**

*Arizona Republican.* September 16, 1927; September 20, 1927; September 21, 1927; May 30, 1928; November 11, 1928; November 12, 1928; April 5, 1929; June 23, 1929.

Dreyfuss, John. *A History of Arizona's Counties and Courthouses.* Tucson: Arizona Historical Society, 1972.

Janus Associates. *City of Phoenix Historical/Architectural Survey of City Owned Properties.* Phoenix: City of Phoenix Planning Department, 1986.

Miller, Joseph. *Arizona the Grand Canyon State: A State Guide.* New York: Hastings House, 1966.

See continuation sheet

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_

Primary location of additional data:

- State historic preservation office
- Other State agency
- Federal agency
- Local government
- University
- Other

Specify repository:

Arizona SHPO

**10. Geographical Data**

Acreage of property 1.9

UTM References

A 

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Zone		Easting				Northing								

C 

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B 

Zone		Easting				Northing								

D 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

See continuation sheet

Verbal Boundary Description

See continuation sheet

See continuation sheet

Boundary Justification

See continuation sheet

See continuation sheet

**11. Form Prepared By**

name/title Gerald A. Doyle, FAIA  
organization Gerald A. Doyle & Associates, P.C. date October 7, 1988  
street & number 4331 North 12th Street telephone (602) 264-3082  
city or town Phoenix, Arizona state Arizona zip code 85014

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National Park Service

National Register of Historic Places  
Continuation Sheet

Section number 9 Page 1

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Maricopa County Board of Supervisors. *Minutes*: April 28, 1927; May 31, 1927; June 8, 1927; June 15, 1927; June 16, 1927; July 18, 1927; September 15, 1927; September 19, 1927; September 29, 1927; October 17, 1927; October 24, 1927; November 14, 1927; November 21, 1927; February 9, 1928; March 15, 1928; April 5, 1928; April 19, 1928; May 21, 1928; May 23, 1928; May 25, 1928; May 28, 1928; July 23, 1928; August 9, 1928; August 27, 1928; September 13, 1928; September 17, 1928; October 22, 1928; October 23, 1928; February 5, 1929; March 15, 1929; April 24, 1929; June 7, 1929; June 10, 1929; June 14, 1929; June 17, 1929; June 21, 1929.

Neild, Edward F. *American Architect* 132 (November 5, 1927), (December 20, 1927); 133 (March 5, 1928), (March 5, 1928); 135 (January 20, 1929); 136 (August 5, 1929).

\_\_\_\_\_. *Architectural Record* 84 (December 1938); 87 (February 1940).

Phoenix City Commission. *Minutes*. March 16, 1928; May 4, 1927; May 9, 1927; May 11, 1927; May 14, 1927; June 1, 1927; June 8, 1927; June 22, 1927; July 8, 1927; August 23, 1927.

Walker, Henry P. and Don Bufkin. *Historical Atlas of Arizona*, Second Edition. Norman: University of Oklahoma Press, 1986.

Works Progress Administration. *Inventory of the County Archives of Arizona, No. 7 Maricopa County*. Phoenix: Arizona State-wide Archival Records Project, 1940.

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National Park Service

**National Register of Historic Places  
Continuation Sheet**

Section number 10 Page 1

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VERBAL BOUNDARY DESCRIPTION

The boundary of the nominated property is described as the boundaries of Block 76 of the original Phoenix townsite. These boundaries are further described as follows: Beginning at the intersection of the south curb line of Washington Street and the east curb line of Second Avenue in Phoenix, thence east along the south curb line of Washington Street to the west curb line of First Avenue, thence south along west curb line of First Avenue to the north curb line of Jefferson Street, thence west along the north curb line of Jefferson Street to the east curb line of Second Avenue, thence north along east curb line of Second Avenue to the point of beginning.

BOUNDARY JUSTIFICATION

The boundaries of the nominated property are identical to the boundaries of Block 76 of the original Phoenix townsite. Block 76 was first set aside for county government purposes when the original Phoenix townsite was patented on April 10, 1874. Block 76 was the location of the first Maricopa County Courthouse constructed by the county in 1884. When the 1884 courthouse was demolished, the nominated property was constructed in 1928-1929. During the historic period, this site has always been identified with Maricopa County government.

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National Park Service

**National Register of Historic Places  
Continuation Sheet**

List of Photographs

Section number \_\_\_\_\_ Page 1

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Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

1. View toward northeast corner of building with main (north) facade at center of photograph.  
Photograph 1 of 8

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

2. Main (north) facade showing Maricopa County Courthouse entrance. Phoenix City Hall is at right. View looking southwest.  
Photograph 2 of 8

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

3. West elevation of building showing main facade of Phoenix City Hall. View looking southeast.  
Photograph 3 of 8

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

4. Partial west facade with detail of Phoenix City Hall entrance. View looking east.  
Photograph 4 of 8

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National Park Service

**National Register of Historic Places  
Continuation Sheet**

List of Photographs

Section number \_\_\_\_\_ Page 2

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Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

5. South (rear) elevation. Phoenix City Hall is at left. View looking northwest.

Photograph 5 of 8

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

6. East face of cornerstone at northeast corner of building. View looking west.

Photograph 6 of 8

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

7. North face of cornerstone at northeast corner of building. View looking south.

Photograph 7 of 8

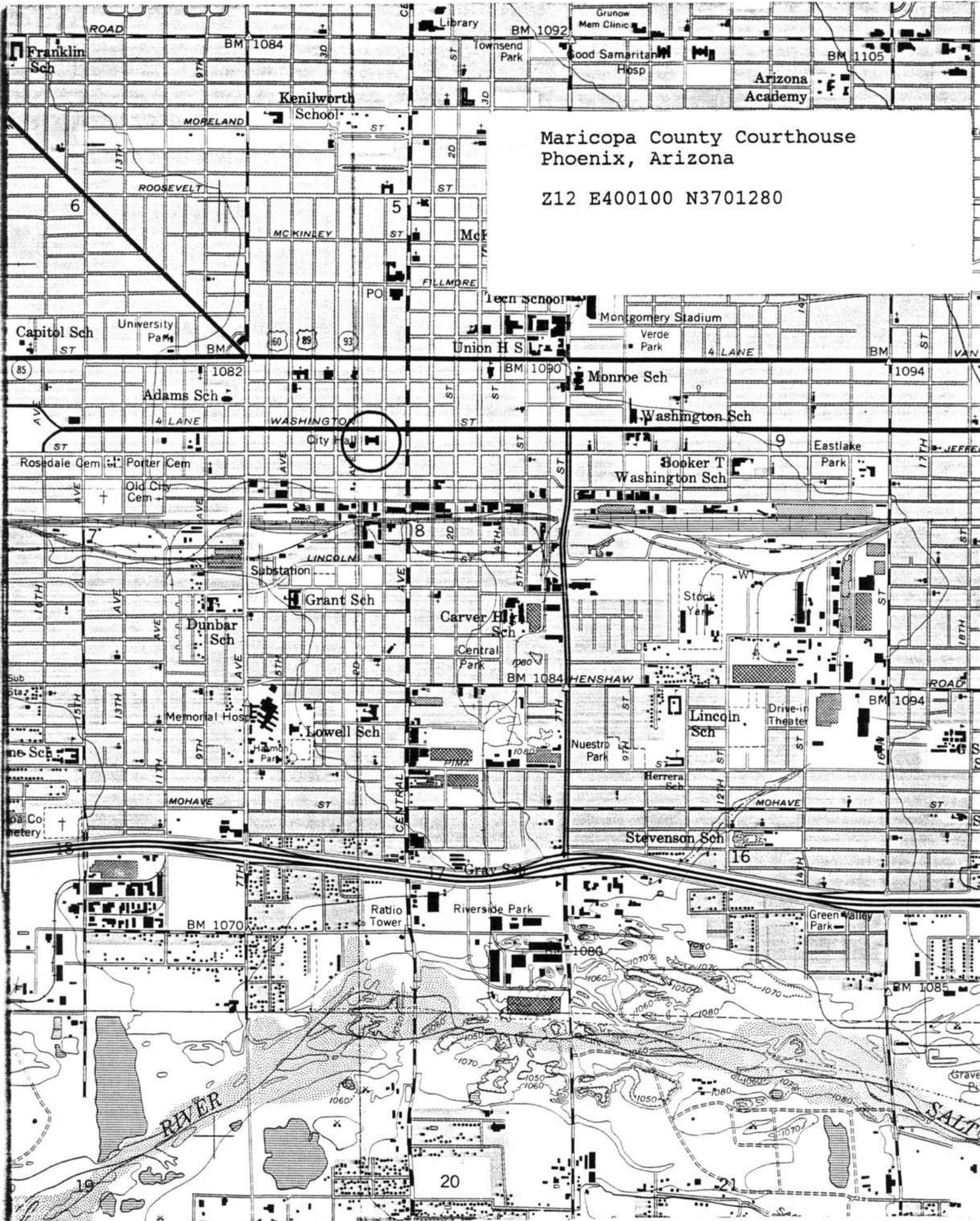
Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Gerald A. Doyle & Associates

8. Typical courtroom.

Photograph 8 of 8

Maricopa County Courthouse  
Phoenix, Arizona

Z12 E400100 N3701280





1. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 1 of 8



2. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 2 of 8



3. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 3 of 8



4. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 4 of 8



5. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 5 of 8

GRAND · LODGE  
STATE · OF · ARIZONA  
F · & · A · M  
LLOYD · C · HENNING  
GRAND MASTER  
A · D · 1928 · A · L · 5928

6. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 6 of 8

ERECTED A·D·1928

BOARD OF SUPERVISORS

S·K·PHILLIPS CHAIRMAN

J·T·BONE MEMBER

A·G·AUSTIN MEMBER

JOHN·B·WHITE CLERK

EDWARD·F·NEILD ARCHITECT

EDWARDS WILDEY & DIXON

CONTRACTORS

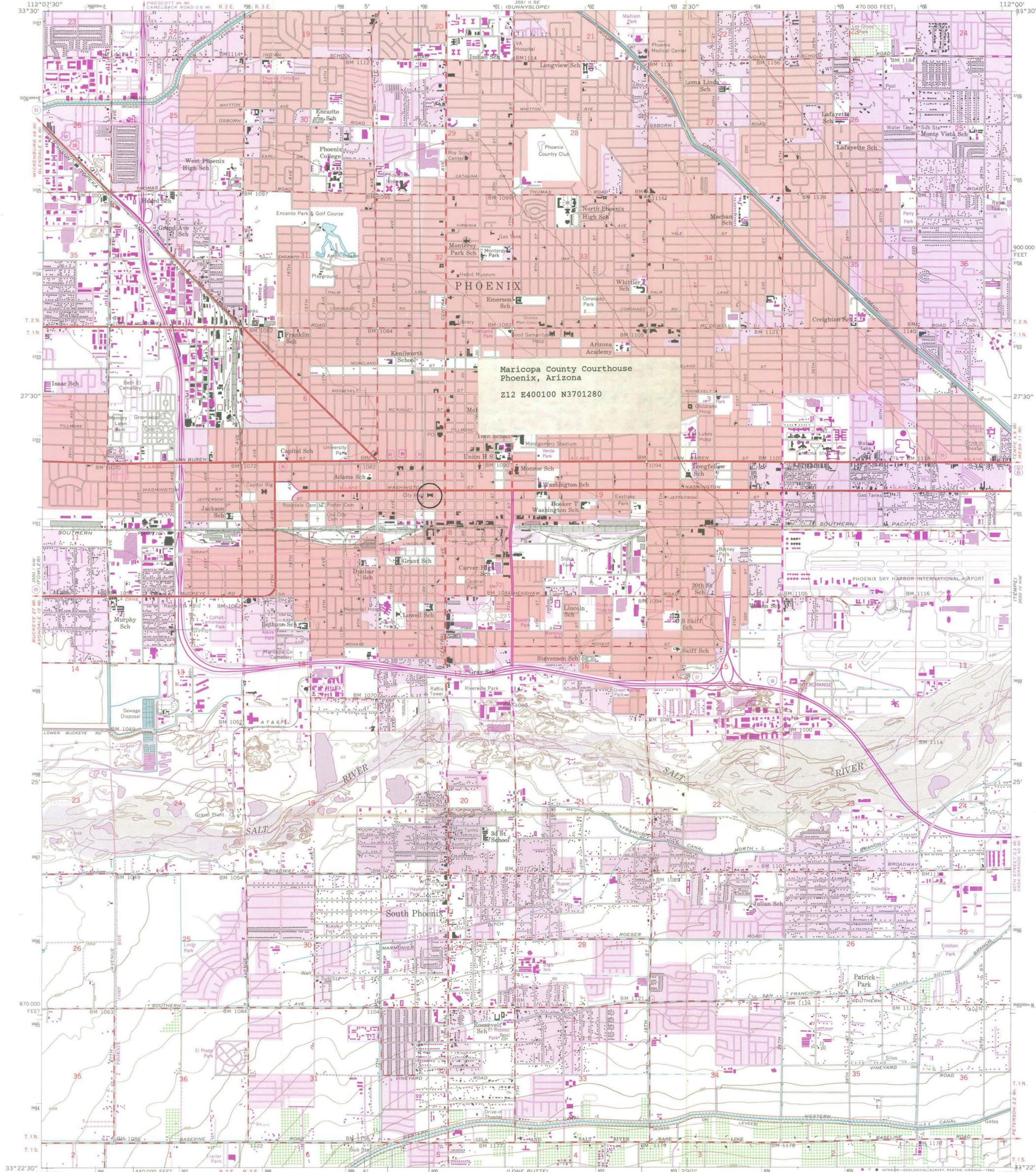
7. Maricopa County Courthouse

Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 7 of 8



8. Maricopa County Courthouse

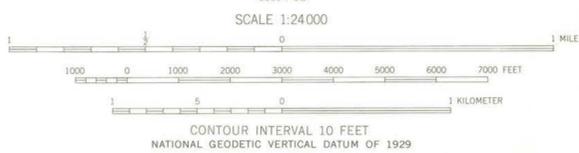
Maricopa County Courthouse  
Phoenix, Arizona  
Gerald A. Doyle & Associates  
May 1988  
Photograph 8 of 8



Maricopa County Courthouse  
Phoenix, Arizona  
Z12 E400100 N3701280

Mapped by the Army Map Service  
Published for civil use by the Geological Survey  
Control by USGS, NOS/NOAA and USCE  
Topography by photogrammetric methods from aerial  
photographs taken 1951. Field checked 1952  
Polyconic projection. 10,000-foot grid ticks based on  
Arizona coordinate system, central zone  
1000-meter Universal Transverse Mercator grid ticks,  
zone 12, shown in blue. 1927 North American Datum  
To place on the predicted North American Datum 1983  
move the projection lines 2 meters south and  
65 meters east as shown by dashed corner ticks  
Red tint indicates areas in which only landmark  
buildings are shown  
There may be private inholdings within the boundaries of  
the National or State reservations shown on this map

Revisions shown in purple and woodland compiled by the  
Geological Survey from aerial photographs taken 1978 and  
other sources. This information not field checked  
Map edited 1982  
Purple tint indicates extension of urban areas



ROAD CLASSIFICATION  
Heavy-duty ——— Light duty ———  
Medium-duty ——— Unimproved dirt ———  
○ Interstate Route ○ U.S. Route ○ State Route



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

PHOENIX, ARIZ.  
NE/4 PHOENIX 15' QUADRANGLE  
N3322.5—W11200/7.5  
1952  
PHOTOREVISED 1982  
DMA 3550 I NE-SERIES Y898

# National Register of Historic Places

## Note to the record

Additional Documentation: 2014

United States Department of the Interior  
National Park Service



# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).

### 1. Name of Property

historic name Maricopa County Courthouse (amendment)

other names/site number County-City Administration Building; Phoenix City Hall; Historic City Hall

### 2. Location

street & number 125 W. Washington St  not for publication

city or town Phoenix  vicinity

state Arizona code AZ county Maricopa code 013 zip code 85003

### 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,  
I hereby certify that this X nomination     request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets     does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

X national X statewide     local

James W. Garrison  
Signature of certifying official

17 OCTOBER 2014  
Date

State Historic Preservation Officer  
Title

Arizona State Parks/SHPO  
State or Federal agency/bureau or Tribal Government

In my opinion, the property     meets     does not meet the National Register criteria.

\_\_\_\_\_  
Signature of commenting official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title State or Federal agency/bureau or Tribal Government

### 4. National Park Service Certification

I, hereby, certify that this property is:

entered in the National Register     determined eligible for the National Register

    determined not eligible for the National Register     removed from the National Register

    other (explain:) \_\_\_\_\_

Amelie  
Signature of the Keeper

12/10/14  
Date of Action

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

**5. Classification**

**Ownership of Property**  
(Check as many boxes as apply)

- private
- public - Local
- public - State
- public - Federal

**Category of Property**  
(Check only one box)

- building(s)
- district
- site
- structure
- object

**Number of Resources within Property**  
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1		buildings
		district
		site
		structure
		object
1		<b>Total</b>

**Name of related multiple property listing**  
(Enter "N/A" if property is not part of a multiple property listing)

N/A

**Number of contributing resources previously listed in the National Register**

1

**6. Function or Use**

**Historic Functions**  
(Enter categories from instructions)

- Government/County Courthouse
- Government/City Hall
- Government/correctional facility
- 
- 
- 

**Current Functions**  
(Enter categories from instructions)

- Government/County Courthouse
- Government/Government Office
- Recreation and Culture/Museum
- 
- 
- 

**7. Description**

**Architectural Classification**  
(Enter categories from instructions)

- Late 19<sup>th</sup> and 20<sup>th</sup> Century Revivals /
- Neoclassical/Spanish Colonial Revival
- 
- 
- 

**Materials**  
(Enter categories from instructions)

- foundation: concrete
- walls: concrete, brick, terra cotta
- roof: ceramic tile
- other: cast iron grilles

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

---

### **Narrative Description**

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

#### **Summary Paragraph**

The 1928 Maricopa County Courthouse/City of Phoenix Administration Building was listed in the National Register of Historic Places on February 10, 1989. The building's primary characteristics remain little changed since its listing and no substantial revision of the Section 7 description from the original nomination is necessary in this document. The building had a major renovation within the past five years, which, though it did not alter the building's primary features, did repair a number of accumulated minor problems. The text below supplements the original physical description of the building with a detailed description of the renovation.

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### **Narrative Description**

#### Renovation of the Maricopa County Courthouse/Phoenix City Hall

Stylistically, the building consists of Neoclassical and Period Revival forms combined into a asymmetrical composition. The primary architect of the building was Edward F. Neild in association with the Phoenix architectural firm Lescher and Mahoney. The courthouse was the largest terra cotta clad building in Phoenix and is today among only a few terra cotta clad historic buildings remaining in the West.

The County-City Administration Building has an H-shaped plan with dimensions of approximately 130 feet wide x 230 feet long. The building original had seven stories, but portions of the seventh floor have been effectively removed by the elimination of the ceiling barrier in portions of the sixth floor. The building's primary, north-facing facade consists of seven distinct vertical bays flanked by three-bay-wide, four-story wings. The building is constructed of a cast-in-place concrete frame filled with common brick and hollow clay tiles. The exterior cladding consists of rusticated terra cotta panels of variegated colors simulating a sandstone masonry structure. The tall steel casement windows are symmetrically arranged and typically embellished with cast iron surrounds. The north main doors, entrance to the County portion of the building, are set within a round arch and consist of four bronze clad doors topped with ornamental iron work. The City's west main entrance doors consist of a pair of tall bronze-clad doors with intricate, raised panels. Both entrances are elevated above finish grade and accessed by a monumental flight of granite steps.

The renovations addressed a number of accumulated maintenance issues:

- The terra cotta cladding was heavily stained and soiled from years of air pollution and pigeon

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

excrement.

- Graffiti and damage caused to the terra cotta by attempts to remove it existed at the City's main entrance.
- The granite entrance steps were stained, soiled, cracked, and in poor condition. Much of the mortar between the stone slabs was missing.
- A single granite step directly outside the County's main entrance door was a major tripping hazard/liability.
- The original mortar, especially at joints in horizontal surfaces, was deteriorating from normal wear and tear and probably inconsistency in the original mix and craftsmanship. Water/moisture penetration through these open mortar joints was rusting the wire ties that hold the terra cotta cladding in place. Nonoriginal, dissimilarly colored portland cement mortar was used extensively to patch deteriorated mortar joints.
- Many terra cotta ornaments, including the cone-shaped finials, were damaged and/or missing.
- Large ducts from rooftop air handling units, removed in 2002, once penetrated the exterior walls and damaged large areas of terra cotta cladding/ornaments.
- Several cast iron grilles were missing and some of the original ornamental ironwork was damaged and/or deteriorating.
- The original main entrance doors and elaborate bronze grilles had been replaced. The County's original east and south entrance doors had also been replaced.
- The original exterior bronze sconces flanking the main entrances were not operational and non-code-conforming.
- Steel casement windows were in poor condition. Most no longer had a protective paint finish and were covered with rust. Many operable steel sash members were warped and no longer operable.
- Sound pollution from the adjacent light rail station and protestors were continually disrupting court proceedings.
- Dust migration through the steel casement windows was an ongoing maintenance issue.
- The roof covering above the sixth floor had outlasted its life expectancy and the roof's perimeter copper gutter trough was leaking at numerous locations.
- The bronze handrails at both grand staircases did not comply with ADA guidelines.

Swan Architects, Inc. of Phoenix planned and implemented the following scope of work intended to address the problems identified above while maintaining the building's historic character:

- Utilized telescopic and swing scaffolding to avoid anchoring or attaching to the building and possibly damaging the exterior terra cotta cladding.
- Thoroughly cleaned the facades with low-pressure warm water and synthetic brushes.
- Rather than further damage the graffiti-covered terra cotta cladding, Swan directed a local artist to paint over the graffiti using multiple colors of an acrylic-based paint to simulate the terra cotta. The graffiti is no longer detectable.
- Thoroughly cleaned the granite entrance steps with naval jelly and other mild detergents. Repointed the granite slabs/steps and painted handrails.
- Extended the main entrance landing by installing a new full length granite slab from a quarry located near the original. Cut tactile grooves in granite step nosings.
- Repointed deteriorated mortar joints (approximately 20 percent of all joints) with a tinted Portland cement mortar that had a compressive strength less than the terra cotta cladding.
- Replicated missing terra cotta ornaments. Created fiberglass molds from original ornaments and

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- recast using lightweight concrete. Painted concrete to match the original polychrome terra cotta.
- Repaired damaged/deteriorated terra cotta cladding/ornaments.
  - Replicated missing or deteriorated wrought and cast iron grilles and ornamental ironwork. Created molds from original ornaments and recast in steel. Painted to match original finish.
  - Restored original wrought and cast iron ornaments by carefully removing rust (without removing original gold paint highlights and patinas) and finishing with a satin polyurethane.
  - Replicated County's main entrance bronze-cladded (medium patina) doors and sealed the doors with a satin polyurethane.
  - Replicated the County's original hollow metal doors in the south façade.
  - Rehabilitated original bronze lighting fixtures/sconces.
  - Rehabilitated all steel single-hung and casement windows. Removed rust, wet sanded all steel components, and removed all glass and glazing putty. Replaced deteriorated/damaged steel components, fixed windows in closed position using rivets, installed 1/4" clear laminate glass (to reduce sound infiltration), sealed glass and frame with silicone, cleaned interior bronze hardware, and finished both sides with high-quality paint.
  - Installed pigeon control netting and low-voltage mat system at all ledges, sills, and similar locations.
  - Repaired copper-lined gutter trough below mansard roof by troweling on a two-component liquid polyester reinforced polyurethane membrane.
  - Replaced asphalt rolled roofing on mansard roof with a modified bitumen roof membrane system.
  - Reconfigure handrails at grand entrance staircases to meet ADA guidelines.
  - Install shades on interior side of all window opening to create a consistent appearance.

Two general contractors under the supervision of Swan Architects completed the project. The work was planned in a creative and sensitive manner to ensure the preservation of all significant character-defining elements in accordance with The Secretary of the Interior's Standards for Rehabilitation. The County-owned side was completed in November 2012, and the City-owned side was completed in December 2013. The total cost of the exterior rehabilitation project was approximately three million dollars. The Maricopa County Board of Supervisors through the Facilities Management Department funded approximately \$2.3 million and the City of Phoenix combined funding from the Energy Department and the Phoenix Historic Preservation Office in the approximate amount of \$700,000.

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**8. Statement of Significance**

**Applicable National Register Criteria**

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

**Criteria Considerations**

(Mark "x" in all the boxes that apply)

Property is:

- A owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years.

**Areas of Significance**

(Enter categories from instructions)

Politics/Government

Architecture

Law

**Period of Significance**

1928-1938 (original nomination: Criterion A for Politics/Government and Criterion C for Architecture)

1963-1966 (amendment: Criterion A for Law)

**Significant Dates**

1928 - construction

1963 - Miranda confession, arrest, and trial

**Significant Person**

(Complete only if Criterion B is marked above)

**Cultural Affiliation**

**Architect/Builder**

Edward F. Neild

Lescher and Mahoney

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**Period of Significance (justification)**

The period of significance in the original nomination is from 1928 to 1938. This represents the State Level of significance related to the themes of Politics/Government (Criterion A) and Architecture (Criterion C).

This amendment adds an additional period of significance related to the National Level theme of Law (Criterion A). This period, 1963-1966, represents the time from when the courthouse became the scene of important events related to the Miranda Case (interrogation and confession, arrest, jailing, and trial) to the year of the Supreme Court's decision.

**Criteria Considerations (explanation, if necessary)**

N/A

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**Statement of Significance Summary Paragraph** (provide a summary paragraph that includes level of significance and applicable criteria)

The Maricopa County Courthouse was listed in the National Register of Historic Places on February 10, 1989. The building was listed at the *State* level of significance with a period of significance from 1928 to 1938. It was listed under National Register Criterion A for the area of significance of Politics/Government and under Criterion C for the Architecture area of significance. This amendment proposes to raise the building's level of significance to the *National* level based on its association with the landmark ruling of the U.S. Supreme Court in the case of *Miranda v. Arizona*<sup>1</sup>. The area of significance of *Law* is added to the previous areas. This ruling has been acknowledged by legal scholars as one of the most important definitions of the rights of American citizens under the Fifth and Sixth Amendments to the U.S. Constitution handed down during the twentieth century. The ruling had a profound impact on subsequent judicial and law enforcement practices throughout the country by mandating the famous Miranda warning to persons suspected or accused of crimes, providing security for the individual's rights under the Constitution not to be witnesses against themselves and to enjoy the benefit of counsel throughout the legal process. The Maricopa County Courthouse is the property, apart from the Supreme Court building itself, most closely associated with *Miranda*<sup>2</sup> as the site of the development of the case from the initial questioning and arrest of Ernesto A. Miranda and his subsequent trial and appeals through the state court system. This amendment adds the additional period of significance, 1963-1966, marking the time from when critical events associated with the *Miranda* case occurred within the courthouse building to the Supreme Court's decision. While the decision is less than fifty years old at the time of this amendment, the events related to the case that took place within the Maricopa County Courthouse occurred in 1963.

**Narrative Statement of Significance** (provide at least one paragraph for each area of significance)

THE U.S. SUPREME COURT AND THE CASE OF *MIRANDA V. ARIZONA*

1.0 The U.S. Supreme Court and the Case of *Miranda v. Arizona*: Introduction

The narrative statement of significance below is organized into three parts. The first defines the significance of the U.S. Supreme Court's ruling in *Miranda v. Arizona*, defining the legal context in which the case was resolved from earlier precedents to the effects the Court's ruling has had on subsequent judicial and law enforcement practices. The second part describes the life and the crimes of

<sup>1</sup> Legal citations for all cases cited in this document are collected on p. 30.

<sup>2</sup> The case of *Miranda v. Arizona* is often referred to in this document by the italicized abbreviation '*Miranda*' when discussing the formal case and its decision. The unitalicized version is used when referring either to Ernesto A. Miranda or to the Miranda warning. Similarly, other cases, such as *Escobedo v. Illinois* will be abbreviated (*Escobedo*) when referenced repeatedly.

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which Ernesto Miranda was accused and his case's progression through the court system from initial trial through his unsuccessful appeals to the Arizona Supreme Court. These two context statements are derived from scholarly literature on the case, which will define both the national significance of the *Miranda* ruling and link it to the local facts of the case. The third part of this narrative will describe the lesser-known link between the initial stages of the case and the physical building, the Maricopa County Courthouse, and even the specific rooms in which these stages occurred. The courthouse is the property most closely associated with the case and through its high level of integrity provides an excellent venue for educating the public about the ruling. The building currently houses two historical museums, the Phoenix Police Museum now displaying original artifacts and interpretive materials associated with the case, and the Maricopa County Justice Museum and Learning Center.

### 1.1 The U.S. Supreme Court and the Case of *Miranda v. Arizona*: The Decision

On June 13, 1966, the United States Supreme Court, Chief Justice Earl Warren presiding, read its decision in the case of *Miranda v. Arizona*.<sup>3</sup> The decision, written by Chief Justice Warren himself, overturned the conviction of Ernesto A. Miranda on a charge of rape. Speaking for a narrow majority of five justices, Warren declared that Miranda's criminal trial in 1963 had violated the defendant's constitutional rights by the prosecutor's use of a confession that had been obtained by police investigators in a manner the Court determined to be involuntary. At the heart of Warren's 60-page ruling was the statement:

We hold that, when an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required. He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that, if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.<sup>4</sup>

In addition to remanding Miranda's case back for retrial under guidance to disregard the confession, the Court also established a new, universal procedure for police and prosecutors in the future to forestall

<sup>3</sup> The '*Miranda* decision' also involved three other cases that raised variations on the same theme of confessions, the role of counsel and the right against self-incrimination. *Miranda* itself was considered the primary case by the Supreme Court. The other cases were, *Vignera v. New York*, *California v. Stewart*, and *Johnson and Cassidy v. New Jersey*. A related federal case *Westover v. United States*, was also heard at about the same time, which was memorable primarily because the losing side's case was argued by then Solicitor General Thurgood Marshall, the famed NAACP lawyer and future Supreme Court justice.

<sup>4</sup> Carol Kelly-Gangi, *Miranda v. Arizona and the Rights of the Accused: Debating Supreme Court Decisions*, (Berkeley Heights, New Jersey: Enslow Publishers, Inc., 2006), 39.

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similar cases of violated rights in the future. This procedure consists of a statement of legal rights that police holding a criminal suspect in custody must read to the suspect prior to interrogation. This statement of rights, called the Miranda warning after the case from which they were drawn, includes, with minor variations, the following five statements and a clarifying question:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk with a lawyer before answering any questions, and you may have him or her present with you during questioning.
4. If you cannot afford a lawyer and want one, a lawyer will be provided at no cost to you.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.
6. Do you understand each of these rights and having these rights, do you wish to answer police questions?

Since 1966, the Miranda warning has been institutionalized as a standard part of police procedure when dealing with criminal suspects. The reading of these rights has been established as the legal criterion for determining whether a confession was voluntary and thus admissible during a trial. The warning is familiar also to much of the public as part of the arrest ritual dramatized in countless television police shows. The ruling even led indirectly to the creation of a new verb, "Mirandize," to specify the act of reading the Miranda warning to a suspect.<sup>5</sup>

The Supreme Court's ruling in *Miranda* is acknowledged by legal scholars as one of the landmark decisions of the twentieth century.

- The decision overturned established police investigative practices around the country and substituted the Court's prescribed procedure of the Miranda warning.
- The decision extended the suspect's right to consult with an attorney beyond the courtroom setting to the earlier and critical stage of police investigation and interrogation.
- It substituted a universally applicable procedure for informing suspects of their rights in place of the previous presumption that suspects arrived at the police station fully aware of their rights.
- The ruling extended the Court's interpretation of American's rights under the Fifth and Sixth Amendments to the U.S. Constitution as applicable to state courts as well as federal courts.

The Supreme Court's *Miranda* decision was highly controversial when it was issued and it remains nearly fifty years later a question of study and debate. The remainder of this section will provide substantive context to the *Miranda* decision by describing the legal precedents leading up to the 1966 ruling, the resulting political and legal impact, and subsequent Court decisions refining the applicability of the Miranda principle.

## 1.2 The U.S. Supreme Court and the Case of *Miranda v. Arizona*: Constitutional Principles

<sup>5</sup> G.S. Prentzas, *Miranda Rights: Protecting the Rights of the Accused*, (New York: The Rosen Publishing Group, Inc., 2006), 5.

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The Miranda warning that has become standard practice in law enforcement was the practical result of a decades-long process in which the U.S. Supreme Court progressively clarified the meaning and applicability of the rights of Americans under the Constitution. The Bill of Rights, the first ten amendments to the Constitution ratified in 1791, include several provisions dealing with the rights of citizens accused of crimes. These provide protection to citizens in danger of losing their “life, liberty, or property” through the action of the courts. The Fourth Amendment protects citizens against “unreasonable searches and seizures” and requires warrants based on “probable cause” to authorize government searches into people’s “persons, houses, papers, and effects.” The Fifth Amendment provides for the right of a grand jury, protection against double jeopardy, and security against public takings of property without compensation. The Sixth Amendment guarantees a speedy trial and the right to face one’s accusers. The Seventh Amendment provides for the right of trial by jury and the Eighth Amendment protects against excessive bail, fines and “cruel and unusual punishments.”

The case of *Miranda v. Arizona* centered on the question of how to interpret two provisions of the Fifth and Sixth Amendments. These were:

*No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. . .*

Fifth Amendment

*In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.*

Sixth Amendment

The specific provisions at issue in the *Miranda* case were, first, the applicability of the Sixth Amendment’s guarantee of a right of the accused “to have the Assistance of Counsel for his defense.” The second issue, which ironically was not prominent in the case’s appeal process, but for which the decision was best known, was the Fifth Amendment’s assurance that the accused shall not “be compelled in any criminal case to be a witness against himself.” This, as it is popularly known, is the right to remain silent.

That 175 years separated the adoption of the Bill of Rights from the *Miranda* decision is indicative of the substantial changes in how the Constitution has been interpreted over the course of American history. During the chief justiceship of John Marshall (1801-1835), the Court laid down several important constitutional principles. The principle of judicial review, for example, was established by the case of *Marbury v. Madison* (1803), one of the defining statements of the Supreme Court’s authority to judge acts of Congress against the provisions of the Constitution.

The Court’s decision in *Barron v. Baltimore* (1833), on the other hand, established an important precedent that eventually had to be overturned as part of laying the foundation for its much later *Miranda* ruling. In his *Barron* decision, Chief Justice Marshall wrote that the Bill of Rights “contain no expression indicating an intention to apply them to the State governments. This court cannot so apply them.” This decision effectively limited the Bill of Rights to the actions of the federal government and not the states. For the first century and a half of American history, the states were authorized to conduct

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their criminal courts in their own manner subject only to the provisions of their individual state constitutions. Since most criminal cases were and continue to be tried in state courts, the protections for the accused under the Bill of Rights was to a large degree little more than an empty promise. One result of this state's rights principle was a wide variation in how those rights were interpreted in different state's court systems. While nineteenth century Americans apparently accepted this disparity, by the mid-twentieth century, more egalitarian-minded legal activists began to argue that criminal defendants ought to have the same rights across all jurisdictions.<sup>6</sup>

The precedent established by *Barron* might have been overturned relatively early after passage of the Fourteenth Amendment following the Civil War. Section 1 of this amendment includes the provision "[N]or shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." For several decades, however, the Supreme Court chose not to interpret this as implying that the Bill of Rights extended to the states. The idea of "incorporation" became the goal of twentieth century liberal legal reformers who wished to standardize the administration of justice across the states under the standards of the federal Bill of Rights. This goal was largely achieved in the *Miranda* decision and its precedents.<sup>7</sup>

### 1.3 The U.S. Supreme Court and the Case of *Miranda v. Arizona*: Precedents

The now customary reading of the *Miranda* warning by police to criminal suspects has become so engrained into the standards of law enforcement that it can be difficult today to recover the sense of satisfaction among supporters and the outrage expressed by opponents when the Court announced its *Miranda* decision. Having now stood as a foundational principle in the treatment of criminal suspects for nearly fifty years, it can be forgotten that prior to the 1966 ruling the actions of police and courts was far different than today and assumptions about the rights suspects enjoyed prior to and during their trial were far different than those presumed today. However much of a shock *Miranda* applied to the legal and political environment of the 1960s, it was not unexpected by close observers of the Court. The *Miranda* decision was the outcome of many years of deliberation by the Court on the topic of the rights of those accused of crimes and the applicability of the federal Bill of Rights to the states. *Miranda* was the culmination of a trend in the Court's interpretation of key provisions of the U.S. Constitution, particularly the Fifth, Sixth, and Fourteenth Amendments. It was the logical outcome of a pattern of precedent cases, each of which addressed a specific and often narrow question. The logic underlying *Miranda* was not, however, universally appreciated, a point accented not only by the outcry it evoked, but also by the narrowness of the Court's majority. Four justices dissented from *Miranda* and within half a decade the replacement of several justices appeared to reverse the numbers and set the stage for an eventual overturning of the ruling by the Court under Chief Justice Warren Burger, an outspoken critic of *Miranda*.

<sup>6</sup> Kelly-Gangi, *Rights of the Accused*, 17; Prentzas, *Miranda Rights*, 21; Gary Stuart, *Miranda: The Story of America's Right to Remain Silent*, (Tucson: University of Arizona Press, 2004), 29.

<sup>7</sup> Jim Newton, *Justice for All: Earl Warren and the Nation He Made*, (New York: Riverhead Books, 2006), 273; Kelly-Gangi, *Rights of the Accused*, 18-20, 24. The decision in *Mapp v. Ohio* (1961) extending the Fourth Amendment's protection against searches without a warrant to state courts also served as an important precedent towards the incorporation of the federal Bill of Rights to the states

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The Supreme Court took one of its first, hesitant steps down the road of incorporation of the Fourteenth Amendment in the case of *Powell v. Alabama* (1932). This case involved two black men accused of raping two white women. The case drew national attention for its egregious denial of justice for the two men accused who, lacking any sort of effective legal counsel, were quickly convicted and sentenced to death. The Supreme Court overturned their convictions on Sixth Amendment grounds, effectively establishing that at least in capital cases, the Bill of Rights' provision for effective counsel applied to the states as well as the federal government. The case of *Brown v. Mississippi* (1935) forced the Court to again face the issue of whether it should adhere to the *Barron* tradition of deference to the states' authority over their criminal justice systems or condone a horrific injustice. In this instance the Mississippi court had convicted three black men of murder based on confessions, which the white deputy sheriffs admitted had been obtained by torture. In overturning the convictions, the Court issued one of its most scathing reprimands of a lower court. While it recognized that states had broad discretion to define procedures in their courts its policies are "limited by the requirement of due process of law. Because a state may dispense with a jury trial does not mean that it may substitute trial by ordeal. The rack and torture chamber may not be substituted for the witness stand."<sup>8</sup> The Court could set limits to the states' freedom to regulate their court systems though its intervention remained, as with *Powell*, in the domain of capital cases.<sup>9</sup>

Ten years later, the Court backed away from incorporation in the case of *Betts v. Brady*, which held that since most states did not consider counsel a fundamental right, the Court should not impose such a requirement in less than capital cases. Dissenting from the majority ruling, Justice Hugo Black (1937-1971) wrote presciently, "A practice cannot be reconciled with 'common and fundamental ideas of fairness and right,' which subjects innocent men to increased dangers of conviction merely because of their poverty. Whether a man is innocent cannot be determined from a trial in which, as here, denial of counsel has made it impossible to conclude, with any satisfactory degree of certainty, that the defendant's case was adequately presented." While Black's dissent emphasized the situation of an innocent man, it would ultimately be the more difficult cases involving the guilty that would have to establish the extent of the right to counsel. Black, a Roosevelt appointee and one of the Court's stalwart liberals, would eventually become one of the longest serving Supreme Court justices and his would be a consistent and powerful advocate for incorporation. But it would require many years and many incremental cases before a Court majority finally rallied around his ideas in *Miranda*.<sup>10</sup>

During the chief justiceship of Earl Warren (1953-1969), the U.S. Supreme Court issued groundbreaking rulings in a number of controversial areas. A short list of some of these areas of important Court activity includes the ending of legal racial segregation in public schools, the extension of the Bill of Rights to the states, the reapportionment of political districts ("one man, one vote"), the banning of religious prayer in public schools, as well as protecting the free speech rights of political dissidents and recognizing a right to privacy. The Warren Court is considered one of the most activist phases of Supreme Court history and Warren himself considered alongside John Marshall as among the most significant of chief justices. The Warren Court sparked tremendous controversies and, especially with *Brown v. Board of Education*

<sup>8</sup> Stuart, *Miranda*, 33.

<sup>9</sup> Kelly-Gangi, *Rights of the Accused*, 19-21; Prentzas, *Miranda Rights*, 22-23; Stuart, *Miranda*, 30-31.

<sup>10</sup> Stuart, *Miranda*, 31. Clerking for Justice Black at the time of his *Betts* dissent was a young lawyer by the name of John P. Frank, who would become lead attorney for the team that managed *Miranda*'s appeal.

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(1954), stirred social tensions and helped to ignite a virtual social revolution in America in the area of racial relations. In its domestic security cases, which established some limits to the power of government to hound political dissidents, communists in particular, into a form of social ostracism, raised a storm of protest about the Court's protecting persons some believed to be dangerous national enemies. By excluding official prayer from public schools the Court challenged generations-old presumptions about the role of government and the place of Christian sensibilities in the public sphere. Finally, with *Miranda* and other cases defining the constitutional rights of those accused of crime, many people condemned the Court for coddling criminals and endangering law-abiding citizens. Defenders of the Warren Court praise it for protecting and expanding individual rights even against long-standing social norms such as segregation, fears for American domestic security during the Cold War, and common revulsion against criminals.

Twenty years passed before the Court reconsidered its stand in *Betts*. Then in 1963 the Court found the case on which to base a broader statement of the necessity of state adherence to the principles of the Bill of Rights. *Gideon v. Wainwright* was itself an important landmark ruling resulting in the development of the modern public defender system. The defendant, Clarence Earl Gideon, had been tried on a charge of breaking and entering in a Florida court and convicted following his futile attempt to defend himself without a lawyer. Under Florida's rules the state provided an indigent with counsel at public expense only in capital cases. The Supreme Court overturned the conviction based on the Fourteenth Amendment's requirement for due process and the importance of counsel as evidenced by the Sixth Amendment. In its decision the Court ruled, "Reason and reflection requires us to recognize that in our adversary system of criminal justice any person hailed into court, too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."<sup>11</sup> Equality of justice demanded, went the new reasoning, that the rules of state courts not handicap defendants simply because they were too poor to afford private counsel. Between *Gideon* and other cases decided by the Warren Court, the *Barron* principle of deference to states' rights effectively gave way to the principle of incorporation. *Gideon*, though a landmark, was incomplete because it failed to address the crucial question of precisely *when* in the judicial process it was necessary for a state to provide counsel. The common assumption was that a lawyer would be provided at the time of trial and many states based their new or expanded public defender systems on that assumption, Arizona among them. Others went beyond this minimum, most notably California, which made counsel available much earlier in the process when suspects were arrested and questioned. Different interpretations of *Gideon* led again to an apparent divergence in the justice administered from state to state, setting the stage for the *Miranda* case.<sup>12</sup>

In *Escobedo v. Illinois* (1964) the Court began to clarify the scope of its *Gideon* precedent. The issue in *Escobedo* revolved around the open question of when a suspect could claim their Sixth Amendment right to counsel. The defendant, Danny Escobedo, had been arrested and during his interrogation by police had repeatedly requested the assistance of his private attorney, who was also in the same building demanding to be allowed to see his client, which the police refused. Ultimately, Escobedo confessed to the murder of his brother-in-law and was so convicted but then used the refusal by the police to grant him access to his lawyer as the basis of his appeal. The Court sided with Escobedo and laid down the principle that the right to consult an attorney had to begin when it would be effective, not just during the

<sup>11</sup> Stuart, *Miranda*, 31-32.

<sup>12</sup> Kelly-Gangi, *Rights of the Accused*, 26-27; Prentzas, *Miranda Rights*, 23-24.

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trial, by which time a suspect may have effectively convicted themselves by their own confession. The important aspects of a such a situation included the point at which a police investigation ceased to be general and become focused on a particular suspect; when that suspect is in custody and thus in a situation in which their words and actions may prove incriminating; the police are interrogating for the purpose of eliciting incriminating statements; the suspect has requested to consult an attorney; and the police have not effectively warned the suspect of their absolute constitutional right not to answer the police questioning. *Escobedo* foreshadowed the *Miranda* decision although, like *Gideon*, left a number of critical questions unanswered.<sup>13</sup>

These precedents revolved largely around the Sixth Amendment's guarantee of a right to counsel and the extent of the Fourteenth Amendment's due process principle over state courts. This focus on the right to counsel continued in most of the briefs and oral arguments in the *Miranda* appeal. After the Supreme Court granted a writ of certiorari to hear the *Miranda* appeal, along with three other cases raising the same questions, it accepted *amicus curiae* (friend of the court) briefs from interested parties. All of these briefs save one also focused on the right to counsel. The exception was the brief submitted by the American Civil Liberties Union reminding the Court of the Fifth Amendment's right not to be a witness against oneself was also crucial. This was prescient and it was the linkage the Court itself made between the right to counsel and the right against self-incrimination that provided the *Miranda* decision with its outstanding importance. At the same time *Miranda* helped to define the boundary of a suspect's right to counsel, it also linked that right to the protection against self-incrimination, effectively establishing the modern "right to remain silent" as we know it today.

Two cases decided by the Court in 1964 on Fifth Amendment grounds provided the last important precedents to *Miranda*. In *Malloy v. Hogan* the Court overturned the conviction of a suspect who was held in contempt of court for failing to answer questions based on his Fifth Amendment rights. The case of *Murphy v. Waterfront Commission* extended this right by declaring that a witness who gave testimony under a grant of immunity in one state could not be convicted in another state based on that testimony. Finally, one other case, this one at the level of the state supreme court of California, contributed to the conflict between state systems of justice which provided one of the bases on which the Court decided to hear the *Miranda* appeal. In *People v. Dorado*, the California court had extended the right to counsel for all criminal cases to every suspect, *even if the accused did not request one*. "The defendant who does not ask for counsel," the California court declared, "is the very defendant who most needs counsel." Arizona did not accept this extension of *Escobedo*, thus creating the tension making *Miranda* a national question.<sup>14</sup>

#### 1.4 The U.S. Supreme Court and the Case of *Miranda v. Arizona*: Further Development

The significance of a landmark case like *Miranda* does not end with the date of its issuance. Like many other Warren Court decisions, the *Miranda* case stirred up national emotions and immediately became a target of criticism, both legal and political. The decision was issued at a time when the public was becoming increasingly concerned about rising rates of crime. Even before *Miranda*, cases like *Gideon*

<sup>13</sup> Kelly-Gangi, *Rights of the Accused*, 27-29; Prentzas, *Miranda Rights*, 24; Stuart, *Miranda*, 35-38.

<sup>14</sup> Stuart, *Miranda*, 34, 38, 88. The California court's words were nearly quoted by Warren in his statement, "The accused who does not know his rights and therefore does not make a request may be the person who most needs counsel."

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and *Escobedo* had led critics to accuse the Court of coddling criminals, tying the hands of the police and prosecutors, and endangering the public by its willingness to release criminals onto the streets because of a perceived technicality. In 1964, Republican presidential candidate Barry Goldwater spoke of the Supreme Court as the most dangerous branch of a very dangerous federal government, setting the pattern for future Republicans who would stake out various “law and order” positions.<sup>15</sup>

Law enforcement officials around the country were nearly united in their criticism of *Miranda*. They held to the view, expressed by Justice John M. Harlan II in his *Miranda* dissent that “Society has always paid a stiff price for law and order, and peaceful interrogation is not one of the dark moments of the law.”<sup>16</sup> This implicit faith that police would not coerce suspects into confessing occasionally shaded towards the ridiculous, such as Reagan-era Attorney General Edwin Meese’s statement that “Suspects who are innocent of a crime should [have the right to an attorney]. But the thing is you don’t have many suspects who are innocent of a crime. That’s contradictory. If a person is innocent of a crime, then he is not a suspect.”<sup>17</sup>

In addition to conservative critics of *Miranda*, a number of liberal scholars have also challenged the decision, typically for not going far enough to protect suspects from coercive police interrogations. The decision established the legal presumption that the mere reading of the *Miranda* warning justified the conclusion that any subsequent confession was voluntary, replacing the previous “totality of circumstances” procedure by which a judge supposedly evaluated all the circumstances around the confession to determine whether a confession was admissible in court. Moreover the decision did little to prevent police from employing clever subterfuges to induce a suspect to talk. Another criticism is *Miranda* contributed to the abuse of the plea bargaining by which suspects confess to lesser crimes because prosecutors lack sufficient evidence to convict on a greater or more heinous crime.<sup>18</sup>

Much of the *Miranda* criticism might have been dismissible as mere political posturing had it not led to very real changes that appeared for a considerable time to lay the groundwork for reversing the decision. The first substantial attack on *Miranda* occurred in 1968 when Congress passed the Omnibus Crime Control Act. Section 3501 of that act tried to legislatively overturn *Miranda* by allowing voluntary confessions without the formal *Miranda* warning procedure, leaving only a more vague right not to talk. While President Johnson signed the act, he and Attorney General Ramsey Clark, believing it to be unconstitutional, instructed the U.S. Department of Justice to ignore it. Section 3501 would remain in the background, largely, but not completely ignored for the next thirty years.<sup>19</sup>

The most serious challenger to *Miranda* may have been Richard Nixon, Republican candidate for president in 1968. Rising crime rates and the slogan of “law and order” played an important part in the campaigns that year. Democratic candidate Hubert H. Humphrey endorsed the Court’s decision and his

<sup>15</sup> Lucas A. Powe, Jr., *The Warren Court and American Politics*, (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2000), 391-392; Prentzas, *Miranda Rights*, 25.

<sup>16</sup> Stuart, *Miranda*, 102-03.

<sup>17</sup> Stuart, *Miranda*, 100.

<sup>18</sup> *Ibid*, 101-102, 120-121.

<sup>19</sup> Baker, 230, 233-235; Prentzas, *Miranda Rights*, 26; Stuart, *Miranda*, 109-110. Member of the U.S. Senate also retaliated against the Warren Court when they rejected President Johnson’s nomination in 1968 of Abe Fortas to replace Earl Warren as chief justice, using *Miranda* as a particularly effective bludgeon.

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proposal to reduce crime focused on improving police practices through better training, higher salaries, modern equipment, and gun control laws. The independent candidate Governor George Wallace of Alabama campaigned for the “cop vote” with his unique brand of ferocious rhetoric. He referred to the Supreme Court as a “sorry, lousy, no-account outfit” and warned listeners that if a criminal “knocks you over the head,” he will be “out of jail before you’re out of the hospital and the policeman who arrested him will be on trial.” Between the firebrand Wallace and Humphrey (who did not realize his proposals for federal aid to police could be inferred as a criticism of police practices of the day) Nixon stepped forward as the reasonable “law and order” candidate. Nixon criticized Supreme Court decisions that had “gone too far in weakening of the peace forces as against the criminal forces in this country.”<sup>20</sup> He promised to appoint federal judges who would in the future side with these “peace forces.”<sup>21</sup>

After his election, Nixon had the opportunity within a very short time to replace three members of the Court’s *Miranda* majority. The first replacement was of Chief Justice Earl Warren in 1968 by Warren E. Burger. Burger, then a judge on the U.S. Court of Appeals in Washington, D.C., had already staked his position on *Miranda* publicly when he said the ruling had made it too hard for society to catch and punish criminals, “even those who are plainly guilty.” Other justices Nixon replaced were Hugo L. Black by Lewis F. Powell and Abe Fortas by Harry Blackmun. Both Burger and Blackmun had stated publicly their disagreement with the *Miranda* ruling. President Ford would replace another of the *Miranda* justices, William O. Douglas by John Paul Stevens. Nixon made his appointments explicitly with the idea of fulfilling his pledge to support the “peace forces” and expectations among Court watchers were high that *Miranda* was doomed.<sup>22</sup>

One of the actions taken early by the Court under Chief Justice Burger was to turn away an appeal by Ernesto Miranda of his conviction for rape following a retrial held in 1967 (see section 2.4 below). Others in similar situations were also refused hearings by the Court. Of greater significance were a series of cases heard by the Court that further refined, some said restricted, the principles underlying *Miranda*. Between 1971 and 1975, the Burger Court heard ten cases involving *Miranda*-related issues. In seven of these, the Court allowed evidence police had gained through some transgression of the strict *Miranda* principle. *Harris v. New York* (1971) signaled a shift in the Court’s logic. While *Miranda* held that a confession made by a suspect without benefit of the Miranda warning could not be admitted into evidence in principle, in the specific circumstance where a defendant testified during his trial denying guilt, the prosecution could introduce the confession to challenge his credibility. In *Michigan v. Tucker* (1974) the Court expanded the exception allowing prosecutors to introduce evidence gathered as a result of un-Mirandized questioning even if a confession could not. Each of these cases separated *Miranda* from the precept known as the “fruit of the poisoned tree,” which held that evidence gathered either directly or indirectly from a violation of a constitutional right was not admissible in court. While the Court continued to apply the “fruit of the poisoned tree” principle relatively strictly in, for example, Fourth Amendment cases involving an illegal search and seizure, the Court was generous in allowing exceptions to evidence gained following non-Mirandized interrogations.<sup>23</sup>

<sup>20</sup> Baker, 224.

<sup>21</sup> Baker, 243, 248; Prentzas, *Miranda Rights*, 25-26.

<sup>22</sup> John Hogrogian, *Miranda v. Arizona: The Rights of the Accused*, (San Diego, California: Lucent Books, 1990), 90-91; Prentzas, *Miranda Rights*, 30. Nixon also appointed William Rehnquist in 1972 to replace *Miranda* dissenter John Marshall Harlan II. President Reagan elevated Rehnquist to chief justice in 1986.

<sup>23</sup> Baker, 290-291, 348-352; Kelly-Gangi, *Rights of the Accused*, 75-76; Prentzas, *Miranda Rights*, 30.

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Despite the replacement of the *Miranda* majority and the apparent new direction taken by the Burger Court, the expected reversal failed to materialize. In another Arizona case, *Edward v. Arizona* (1981), the Court considered the situation where a Mirandized suspect had requested an attorney prior to police questioning, following which the police properly stopped their inquiry, but then the following day, re-Mirandized him, questioned him, and extracted the desired confession. The Court ruled that having once requested counsel, the police could not again approach the suspect and reversed the conviction. This strengthening of *Miranda*, although limited, indicated that Burger's Court was beginning to see the value of a limited *Miranda*. In *New York v. Quarles* (1984), the Court carved out a public safety exception to un-Mirandized questioning.<sup>24</sup>

After over thirty years, the Supreme Court finally was forced by a lower court ruling to face the challenge to *Miranda* created by Section 3501 of the Omnibus Crime Control Act of 1968. The question in *Dickerson v. United States* (2000) was whether the *Miranda* warning was a true constitutional requirement or whether it was merely "prophylactic," that is, guidance from the Supreme Court on a matter of procedure. If it were the latter then Congress' action was valid and *Miranda* would have been effectively overturned. To the surprise of many, the relatively conservative Supreme Court under Chief Justice William Rehnquist upheld *Miranda* as a constitutional decision. The *Dickerson* majority of justices concurred with the view expressed in the decision that "Even without employing brutality, the third degree or the specific stratagems described above [police techniques to trick a suspect into confessing], the very fact of custodial interrogation takes a heavy toll on individual liberty and trades on the weakness of individuals." *Miranda*, Rehnquist wrote, "has become embedded in routine police practice to the point where the warnings have become part of our national culture." *Dickerson* held that *Miranda* was indeed a constitutional ruling and therefore beyond the authority of Congress to alter. Following *Dickerson*, the final Supreme Court decision that we shall take notice of here was *Missouri v. Seibert* (2004) in which the Court struck down the practice by some police of deliberately coercing a suspect into giving a non-Mirandized confession and then following it up with a Mirandized one. Justice David H. Souter's majority opinion declared, "Strategists dedicated to draining the substance out of *Miranda* cannot accomplish by training instructions what *Dickerson* held Congress cannot do by statute."<sup>25</sup>

The *Miranda* decision remains a fundamental principle in modern law enforcement. The ranks of critics, while they have not disappeared, have been thinned considerably by the realization that the direst consequences predicted in the 1960s did not materialize. One person who changed their opinion was former Phoenix police detective Larry Debus, an officer who took part in *Miranda*'s interrogation. He admitted that police abused their power during the questioning, "We did anything we could to get him to confess," he said, and confirmed *Miranda*'s contention that they had used the good cop/bad cop routine as well as threatened to "throw the book" at him if he failed to cooperate. "To be real honest with you," he said, "the cops had known all along that the things they were doing were wrong. It was just a matter

<sup>24</sup> Hogrogian, *Miranda v. Arizona*, 92; Kelly-Gangi, *Rights of the Accused*, 75; Prentzas, *Miranda Rights*, 30-31.

<sup>25</sup> Kelly-Gangi, *Rights of the Accused*, 81-87; Prentzas, *Miranda Rights*, 31; Stuart, *Miranda*, 112-113, 123, 128-129, 163; Souter quote from Stuart, *Miranda*, xix-xx.

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of getting away with it.” Detective Debus also acknowledged “the case changed the balance of power between police and suspects for the better.”<sup>26</sup>

Despite the Miranda warning, suspects have still shown a widespread willingness to confess, and not only for plea bargaining purposes.<sup>27</sup> As the Court admitted in *Dickerson*, *Miranda* has become so much a part of standard practice that to reverse it would have an anarchic effect. The decision also remains controversial as events and cases continue to raise new questions about its scope and applicability to new circumstances. For example, the *Miranda* principles remain almost exclusively an American perspective of justice. Few countries recognize to any great extent a right to remain silent or to have counsel during interrogation. The twenty-first century War on Terrorism has brought forth several cases testing the extent to which Americans abroad can or should apply the American constitutional rights in foreign countries.

## THE CASE OF ERNESTO A. MIRANDA

### 2.0 The Case of Ernesto A. Miranda: Introduction

Having now established the outstanding significance of the *Miranda* decision, this section shifts attention to the man, Ernesto A. Miranda, and his legal odyssey, keeping in mind that the purpose of this document is link the Court’s decision to an actual place and building. Miranda’s crime, interrogation and trial occurred in the city of Phoenix. Most of the critical events that set up the case for Supreme Court review occurred within the walls of a single building, the Maricopa County Courthouse. The narrative below describes the life, crime, and punishment of Ernesto Miranda. His experience with the police and judicial system as they stood in the early 1960s was not atypical of that of many other persons who ran afoul of the law. The goal is not to rehabilitate Miranda’s memory by portraying him as a sympathetic character but to understand how his actions and their consequences reverberated across the country and led, as we have seen, to one of the most significant changes to the American judicial system in the second half of the twentieth century.

### 2.1 The Case of Ernesto A. Miranda: The Crime

The man whose name became synonymous with the right to remain silent was a criminal who over the course of his prematurely ended life seemed incapable of avoiding run-ins with the law. The *Miranda* decision was notable not because it freed an innocent man; that would have been an unremarkable outcome. It was Ernesto Arturo Miranda’s clear guilt that made the decision important by establishing the point that persons accused of crimes, even if obviously or self-admittedly guilty, enjoy the same rights afforded to the innocent. While “innocent until proven guilty” is a commonly perceived principle in the American legal system, in reality the cause of justice has often been diverted from its ideal by the

<sup>26</sup> Kelly-Gangi, *Rights of the Accused*, 56.

<sup>27</sup> Hogrogian, *Miranda v. Arizona*, 88.

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actions of a few police officers and prosecutors who engaged in questionable, unethical, and sometimes illegal actions to compel suspects to confess. Beatings, sleep deprivation, and other forms of “the third degree” were all too often resorted to as a short cut to the systematic investigation and collection of evidence. That the victims of these practices tended to be among the poor, the uneducated, and from ethnic or racial minorities masked the problem from the understanding of many educated, middle or higher-class whites. Those remote from poverty and crime tended to presume the propriety of police actions, to assume that anyone accused of a crime was probably guilty, and trust that the integrity of the American legal system would prevent gross miscarriages of justice.<sup>28</sup>

Miranda was born in Mesa, Arizona, in 1940. He was the fifth of five boys and his mother died when he was only six years old. While his father remarried, it was reported that the young Miranda did not get along well with his stepmother. His education was limited. He attended a Catholic grammar school in Mesa though reports indicated that he his attendance was spotty and he was a disciplinary problem when he did attend. He failed to advance beyond even a single year of high school. His first arrest for auto theft occurred in 1954 the year he graduated from eighth grade. He soon moved on to more violent offenses. A conviction for assault and attempted rape led to a year in reform school. He was only sixteen when he moved to Los Angeles but quickly ran afoul of the law there as well, being twice arrested, although not convicted, of armed robbery. The Army, which he joined in 1958, also failed to reform his behavior. He spent about six of his fifteen months of service in a military jail before being discharged as an undesirable. An auto theft conviction in Ohio led to time in federal penitentiaries there and later in California.<sup>29</sup>

Following release from California’s Lompoc Prison, Miranda met Twila Hoffman, estranged, but not divorced from the father of her two children. They moved in together and had a daughter of their own in 1962. After returning to Mesa, Miranda found a job driving a truck for the United Produce Company and appears to have done well. His boss later reported, “He was one of the best workers I ever had. I wish I had 100 more like him.”<sup>30</sup> Unfortunately, however well he seemed to be managing his life in the daytime, he began prowling the nights for defenseless women to rob and worse.<sup>31</sup>

The case of *Arizona v. Miranda*<sup>32</sup> originated in three crimes committed in 1962 and 1963 in Phoenix, Arizona. The first occurred on November 27, 1962 and involved a young female bank teller who was abducted in her car at knifepoint and robbed. The second crime occurred on February 22, 1963, also involving a young woman held at knifepoint. The perpetrator had, at first, intended to rape this victim, but did not carry through on the assault. The third crime occurred on March 3, 1963<sup>33</sup> and in this instance, the perpetrator did carry out a rape of his victim, a young woman employed at a Phoenix movie theater. In each case, the victim reported the crime to Phoenix police officers. Unfortunately, they could

<sup>28</sup> Stuart, *Miranda*, xvii.

<sup>29</sup> Hogrogian, *Miranda v. Arizona*, 29-31.

<sup>30</sup> Larry A. Van Meter, *Miranda v. Arizona: The Rights of the Accused*, (New York: Chelsea House Publishers, 2007), 11.

<sup>31</sup> Ron Fridell, *Miranda Law: The Right to Remain Silent*, (Tarrytown, New York: Marshall Cavendish Benchmark, 2006), 8; Hogrogian, *Miranda v. Arizona*, 31; Stuart, *Miranda*, 95.

<sup>32</sup> The nomenclature of legal cases assigns the first name to the initiator, which during the trial phase of the *Miranda* case was the State of Arizona as prosecutor. The name was reversed to *Miranda v. Arizona* after Miranda appealed his case to higher courts.

<sup>33</sup> The victim was kidnapped during the late evening of March 2nd while the rape occurred in the early hours of March 3rd.

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not provide sufficient information for the police to identify a viable suspect, who they could only describe inadequately as a short, slender and relatively young Hispanic man. A vague description of the assailant's car in which he transported his third victim, and in which the rape occurred, would eventually develop into the key clue leading to an arrest.<sup>34</sup>

The rape victim described the vehicle as an older model car green in color, poor clues in themselves, but she also reported it had a piece of rope inside fastened to the rear of the front seat, probably to assist passengers in getting out of the car. This was apparently something the owner had installed. While police drove her home following questioning, she pointed out a 1955 Chevrolet as similar to her attacker's car. To Detective Cooley the victim seemed an ambiguous witness. For example, she changed her story regarding how she had resisted her attacker and she took a polygraph test that proved inconclusive. It was not that he disbelieved her story, but he recognized that under examination during trial a competent defense attorney might succeed in casting doubts sufficient to acquit the defendant, whoever he turned out to be.<sup>35</sup>

The police investigation might have languished indefinitely but for the proverbial "lucky break" occurring a week later. The victim's brother, who now drove her home from work, noticed an early 1950s model Packard driving slowly in the vicinity where his sister had been abducted. The victim confirmed it was at least similar to her attacker's vehicle and the brother succeeded in getting a partial license plate number before it sped off. With this clue, detectives Cooley and Young were able to identify a 1953 Packard owned by one Twila N. Hoffman of Mesa. Questioning neighbors, the detectives discovered that Hoffman lived with a young Hispanic man by the name of Ernesto Miranda. Further investigation revealed that Miranda had a criminal record including an assault with intent to commit rape. They finally traced Miranda to a house in Mesa where they found the suspicious Packard with, as they saw when looking through the glass, a piece of rope tied to the back of the front seat. The detectives now had their suspect.<sup>36</sup>

### 2.1 The Case of Ernesto A. Miranda: Interrogation and Confession

The date was March 13, 1963, five days before the Supreme Court issued its *Gideon* ruling. Having located and identified a suspect, the next step was to apprehend and question him. With physical evidence lacking and the victim's testimony vague and incomplete, the officers' goal was to obtain a confession from Miranda, which would most assuredly lead to his conviction. Lacking an arrest warrant, the two detectives simply asked Miranda if he would accompany them to the police station to answer a few questions. He was not under arrest and could refuse the invitation they told him, but Miranda, feigning innocence, agreed to go with them (he later stated that he believed he had no choice). The officers took Miranda into Interrogation Room Number Two, also referred to as the "sweat room." It was a small cubicle with pale green walls and overhead fluorescent lighting. In one wall was a two-way mirror through which witnesses might observe a suspect in a line-up.<sup>37</sup>

<sup>34</sup> Stuart, *Miranda*, 3-5.

<sup>35</sup> Hogrogian, *Miranda v. Arizona*, 11-17.

<sup>36</sup> Hogrogian, *Miranda v. Arizona*, 17-18.

<sup>37</sup> Hogrogian, *Miranda v. Arizona*, 19-26; Stuart, *Miranda*, 4-6.

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Detectives Cooley and Young were skilled interrogators and there was never any accusation during the course of the *Miranda* trial or appeals that they had tried to force a confession from Miranda through direct physical brutality or more subtle forms of coercion such as sleep deprivation. Foregoing physical forms of coercion did not mean the detectives could not apply psychological manipulation or trickery to the situation. They applied the typical interrogation techniques then commonly found in many police training manuals. These included implying they knew more than they really did, possessed evidence they did not really hold, and the classic “Good Cop, Bad Cop” scenario in which one officer warns that they will “throw the book” at him if he fails to cooperate while another appears sympathetic to the suspect’s plight and urges cooperation in hope of more lenient treatment.<sup>38</sup>

The critical moment in the interrogation occurred when the detectives urged, and Miranda agreed (he was still not formally under arrest) to stand in a lineup before the rape victim. Three Hispanic men who happened to be in the city jail that day were brought down to Interrogation Room Number Two and the victim was called to the station to observe the lineup. The lineup might have been considered rigged since the victim had described her attacker from ten days previous as having worn a white t-shirt and Miranda happened to be the only man in the lineup wearing a t-shirt. Still, the victim was unable to definitively identify Miranda as the attacker. When the detectives returned to the room, Miranda made the mistake of asking how he did. The detectives implied the victim had made a positive identification. At that point, Miranda let down his guard and stated, “Well, I guess I’d better tell you about it them.” He then made a verbal confession to the crime. Later brought face to face with the victim, he himself made the identification of her as his victim. After having done so, the detectives gave Miranda a form on which was pretyped the statement:

I, \_\_\_\_\_, do hereby swear that I make this statement voluntarily and of my own free will, with no threats, coercion, or promises of immunity, and with full knowledge of my legal rights, understanding any statement can be used against me.

Miranda, by hand, wrote his confession of what he had done in the blank portion of the form. He also verbally confessed to the two earlier robberies, although the written confession described only the rape.<sup>39</sup>

## 2.2 The Case of Ernesto A. Miranda: Trial and Conviction

Miranda faced separate trials for two of the three crimes to which he confessed, the rape case and the robbery case of February 27, 1962. The robbery case was tried on June 19, 1963 and resulted in a swift same-day conviction based on Miranda’s confession. The trial for the rape occurred the next day and, again, resulted in a conviction the same day. A few days later the trial judge imposed a sentence of twenty to thirty years to be served in the state penitentiary in Florence, Arizona. Miranda was transferred from the jail in the Maricopa County Courthouse building to prison, where he was eventually trained to work as a barber. Few people questioned that justice had been expeditiously served and a dangerous criminal removed from the streets.<sup>40</sup>

<sup>38</sup> Hogrogian, *Miranda v. Arizona*, 23; Kelly-Gangi, *Rights of the Accused*, 8; Prentzas, *Miranda Rights*, 8-9; Stuart, *Miranda*, 6. Miranda later contended that Cooley and Young had bullied him during questioning and promised him immunity on the rape charge if he confessed to the robberies. The detectives denied offering any such deal.

<sup>39</sup> Prentzas, *Miranda Rights*, 9-11; Stuart, *Miranda*, 6-7.

<sup>40</sup> Stuart, *Miranda*, 8, 22.

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Arizona provided counsel for indigent defendants at trial. Miranda was assigned to Alvin Moore, a 73-year-old attorney with relatively little experience with criminal trials. Moore attempted just about every standard avenue for defending his client. He began with an assertion of insanity, which led to two psychiatric evaluations that concluded although Miranda was not psychologically “normal,” he understood what he had done and could distinguish between right and wrong. At trial, Moore insinuated the victim had consented to have sexual intercourse with Miranda but failed to instill such doubts in the jury. Miranda did not take the stand in his own defense as that would have given the prosecutor, Lawrence Turroff, deputy county attorney for Maricopa County, the opportunity to review his past criminal record.<sup>41</sup>

At the time of Miranda’s trial, the Supreme Court’s *Gideon* decision was only three months old. The State of Arizona already provided legal counsel for indigent defendants during trial, but offered no such assistance during the police inquiry. Moore appeared to be aware of the ruling although he clearly did not understand its details. When questioning Detective Cooley, Moore succeeded in getting Cooley to admit he had not advised Miranda of his right to counsel. Moore tried to use this to challenge the admissibility of Miranda’s confession arguing vaguely that the Supreme Court had mandated that suspects have a lawyer during police questioning. *Gideon* had done no such thing and the trial judge dismissed Moore’s objection, and going further, instructed the jury that lack of counsel did not render Miranda’s confession involuntary.<sup>42</sup>

### 2.3 The Case of Ernesto A. Miranda: The Appeal

Attorney Alvin Moore appealed the two convictions to the Arizona Supreme Court. While Moore argued multiple points—one was the sentences for the two crimes were excessive—only the claim that Miranda’s confession should have been excluded from the evidence mattered to the case’s further progress. Writing for the court in the rape case, Associate Justice Ernest W. McFarland<sup>43</sup> held the only important point raised by Moore’s appeal was “Whether there was a violation of the Sixth and Fourteenth Amendments to the Constitution by the admission of the voluntary statement made without an attorney.” McFarland then rejected Moore’s argument about the admissibility of Miranda’s confession. A confession, he wrote, “may be admissible when made without an attorney if it is voluntary and does not violate the constitutional rights of the defendant.” As the form on which Miranda had written his confession included the statement that the confession was given voluntarily and with full knowledge of his rights, that sufficed to meet the standard then applicable in Arizona’s courts. Ironically, McFarland’s wording ultimately assisted Miranda’s case because it left begging the questions of what constituted voluntariness and what sufficed to inform a suspect of his rights. At the time McFarland issued the Arizona court’s decision on April 22, 1965, the U.S. Supreme Court had only recently issued its *Escobedo* ruling and the Arizona case was one of the first to attempt to apply its principles. *Escobedo* did not apply in this case, McFarland wrote, because unlike Danny Escobedo, Miranda had not requested and been refused counsel during his interrogation. McFarland also made note—and this would be crucial

<sup>41</sup> Hogrogian, *Miranda v. Arizona*, 27-29. Few writers about the Miranda case have much positive to say regarding Alvin Moore’s capacity to defend Miranda.

<sup>42</sup> Hogrogian, *Miranda v. Arizona*, 34, 40-41; Kelly-Gangi, *Rights of the Accused*, 10-11; Prentzas, *Miranda Rights*, 12.

<sup>43</sup> McFarland served as Chief Justice of the Arizona Supreme Court in 1968. Some secondary sources mistakenly refer to him by that title even though he was only an associate justice at the time he wrote the court’s opinion in Miranda’s appeal.

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in making the case a national question—of California’s recent decision to extend the right to counsel even to those who do not request one. The Arizona court, wrote McFarland, “did not choose to follow” California’s lead. This dichotomy in justice between states was a situation ripe to attract the Warren Court’s attention.<sup>44</sup>

Under most circumstances, the Arizona Supreme Court’s decision would have ended the process and Miranda would have served his sentence in obscurity. But as the *Gideon* and *Escobedo* decisions had raised questions crucial to the further development of the American justice system, there were a number of liberal lawyers around the country seeking out cases suitable to define or further extend the implications of those rulings. In Phoenix a small group of lawyers, Robert Corcoran, a former prosecutor; John P. Frank and John J. Flynn of the firm of Lewis & Roca; and James Moeller formed what would become the “Miranda Team.” Alvin Moore, now finished with the case following the Arizona court’s ruling, handed Miranda’s federal appeal to this team of outstanding legal scholars and courtroom advocates. This occurred in July 1965. John Flynn would serve as the courtroom advocate in oral argument, relying on the outstanding constitutional scholarship provided by Flynn.<sup>45</sup>

Unbeknownst to the *Miranda* participants, Chief Justice Warren had in August 1965 instructed his clerks to sift through the petitions before the Court for a suitable case with which to further refine the implications of *Escobedo*. The clerks reviewed between 200 and 300 cases, rejecting most because they involved distracting side issues that would have muddied the public perception of the Court’s intent. *Miranda* rose to the top as a relatively clean case involving the basic question of whether the suspect had the right to be informed of his right before being subjected to police questioning. *Miranda* would lead the three days of hearing that included the three auxiliary state cases and one federal case raising similar questions.<sup>46</sup>

On February 28, 1966, the U.S. Supreme Court convened to hear oral argument in the *Miranda* case and its companion cases. The issues before the court were matters of constitutional interpretation. The facts of the crimes committed by Miranda and the other defendants barely mattered beyond a few references to Miranda’s level of education. Ironically, a statement by Justice Potter Stewart, who ultimately dissented from *Miranda* framed the major point at issue. “I think it’s first important to define what those rights are—what his rights under the constitution are at that point [when a police interrogation becomes accusatory and adversarial]. He can’t be advised of his rights unless somebody knows what those rights are.” Seeing an opening in the vagueness of Stewart’s “somebody,” Flynn responded that “the only person that can adequately advise Ernesto Miranda is a lawyer” and that the rights the suspect needed to know were that he had the right to not to incriminate himself, the right to counsel, and, if indigent, counsel provided by the state.<sup>47</sup>

<sup>44</sup> Hogrogian, *Miranda v. Arizona*, 51-56; Stuart, *Miranda*, 41-44; Van Meter, *Miranda*, 38-39, 48-49. The Arizona Supreme Court made its decision based on submitted briefs and did not hear separate oral arguments. McFarland’s decision was based on *Escobedo* interpreted as settled law, whereas the Warren Court majority perceived it as a step towards a definitive definition of citizens’ right to an attorney.

<sup>45</sup> Hogrogian, *Miranda v. Arizona*, 58; Stuart, *Miranda*, 44-45.

<sup>46</sup> Newton, *Justice for All*, 464.

<sup>47</sup> Stuart, *Miranda*, 54-57.

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Counter arguments by Gary Nelson, assistant attorney general for the State of Arizona and state lawyers in the companion cases, ultimately revolved around the contention that lawyers would inevitably advise their clients not to answer police questions, thus cutting off the possibility of a confession. And without a confession, this reasoning went, criminals would inevitably be set free to commit more crimes against society. This “tying the hands of the police” argument was partially persuasive and was repeated in the Court’s dissenting opinions. Opponents of lawyers in the police station typically expressed a trust in the general good faith of police. This trust contrasted sharply from the expressions of distrust found in the majority decision, which noted patterns of coercive or manipulative interrogation as occurring too often among police forces. Defenders of *Miranda* typically had greater sympathy for the civil rights of criminals and certainly for the rights of suspects while being distrustful that police would not abuse their power in the privacy of an interrogation room without a lawyer to assist the suspect. Critics of *Miranda* believed that it would cripple the criminal justice system and set criminals free, a powerful contention in an era that was seriously concerned about rising rates of crime. This dichotomy was revealed during oral arguments when one lawyer asserted that it was not in the interest of states to “encourage” suspects to seek lawyers. Chief Justice Warren, himself a former prosecutor with a skeptical view of police procedures, countered with the question, “Are lawyers a menace?” The subsequent exchange revealed the basic difference of opinion, one side holding that the role of the defense lawyer was to “free the defendant,” while the other saw that role as protecting their rights. These basic and opposing contentions and their presumptions about criminals, the role of lawyers, the extent of constitutional rights, and the trustworthiness of the police have continued to frame debate about *Miranda*’s implications across the subsequent decades.<sup>48</sup>

By the narrow margin of five-to-four, the Court overturned *Miranda*’s conviction based on the finding that his confession was not given voluntarily and with full knowledge of his rights. The opinion, written by Warren, declared the confession form that *Miranda* signed “does not approach the knowing and intelligent waiver required to relinquish constitutional rights.” The opinion made the critical point for the first time that the Supreme Court was providing procedural guidelines that would make the Fifth Amendment’s privilege against self-incrimination a well-defined right evocable at the time when most necessary by the citizen. From that time forward, the Fifth Amendment’s “No person... shall be compelled in any criminal case to be a witness against himself...” became our modern right to remain silent. The procedure consisted of reading to the suspect a list of his rights *prior* to questioning with the stipulation that the suspect’s right to remain silent and his right to consult with an attorney were absolute and police may not continue questioning after the suspect has invoked either or both rights. These were, of course, the elements of the famous *Miranda* warning that has since been institutionalized in police procedure. This warning, the Court held, was an “absolute prerequisite in overcoming the pressures inherent to the interrogation room,” and provided a uniform basis for determining whether a confession was given voluntarily.<sup>49</sup>

#### 2.4 The Case of Ernesto A. Miranda: The Last Years

The Supreme Court’s decision made Ernesto *Miranda*, or at least his last name, famous. It did not make him a free man. The Court’s decision affected only his rape conviction and not the separate robbery

<sup>48</sup> Hogrogian, *Miranda v. Arizona*, 64-73; Stuart, *Miranda*, 60-62.

<sup>49</sup> Stuart, *Miranda*, 81, 84, 86.

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conviction for which he continued to serve time in the state prison.<sup>50</sup> The decision meant the state could retry Miranda on the rape charge, but would have to do so without benefit of the confession. The retrial occurred over nine days in February 1967 and this time around Miranda had the benefit of first-rate legal assistance as John Flynn continued on in his defense. The State of Arizona also mustered its biggest gun, as state Attorney General Robert Corbin, who had referred to *Miranda* as a “black day for law enforcement,” personally handled the state’s oral arguments before the court. Between the suppression of Miranda’s confession and the fact the two investigating detectives had doubted the victim enough to administer a polygraph test, Flynn was confident he could see Miranda acquitted. Corbin, however, had an ace up his sleeve in the form of a new witness. Twila Hoffman, Miranda’s common law wife and mother of his child, testified that while he had been held in the Maricopa County Courthouse jail, he had confessed his crime to her. She had since become estranged after Miranda, expecting that the Supreme Court’s decision would lead to his freedom, had written a letter accusing Hoffman of being an unfit mother and indicating after release he would seek custody of their child. The court rejected Flynn’s contention that this testimony should be excluded on the principle that evidence gathered as a result of an unconstitutional confession was also inadmissible. Likewise the Arizona Supreme Court confirmed this ruling and when the case was again appealed to the U.S. Supreme Court, the latter refused to hear the case, effectively letting the conviction stand without comment.<sup>51</sup>

Miranda remained in jail between March 1963 and December 1972 when the parole board approved his application for early release. While serving his time, Miranda had tried to improve himself, earning a high school equivalency certificate and learning how to be a barber. Unfortunately, freedom proved an ambiguous condition for Miranda who was unable as a felon to practice the trade of barber that he had learned in prison. Lacking a steady job, he earned an occasional dollar by autographing preprinted Miranda warning cards. He began accumulating a series of misdemeanor arrests, for which he was read the Miranda warning, until he was determined to be in violation of his parole and returned to prison. He was released again in mid-December 1975. A few weeks later, on January 31, 1976, Miranda became involved in a barroom brawl and was stabbed to death. As a final irony, two of the suspects in Miranda’s death were arrested, read the Miranda warning, and, while agreeing to answer questions, consistently denied any involvement in the killing. Lacking any other evidence, these suspects were released and by the time Phoenix police had built up a stronger case against them they had disappeared and were never located.<sup>52</sup>

## EVALUATION OF THE MARICOPA COUNTY COURTHOUSE

### 3.0 The Maricopa County Courthouse

The 1989 National Register of Historic Places nomination for the Maricopa County Courthouse identified two applicable criteria of significance. Under Criterion A, the courthouse was important “for its association with the development and maturation of local government in Arizona. Constructed as a joint facility for the City of Phoenix and Maricopa County, respectively the state capital and most

<sup>50</sup> Miranda eventually won a retrial for the robbery case in 1971, but was again convicted.

<sup>51</sup> Hogrogian, *Miranda v. Arizona*, 95-96; Stuart, *Miranda*, 93-95; Van Meter, *Miranda*, 38-39, 48-49, 89-90.

<sup>52</sup> Hogrogian, *Miranda v. Arizona*, 97-99; Newton, *Justice for All*, 470; Stuart, *Miranda*, 94-96, 99.

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populous county in Arizona, the Maricopa County Courthouse is representative of the dominance exerted by the City of Phoenix and Maricopa County over statewide political and governmental affairs. The building is considered to possess importance at the statewide level during the period 1928 to 1938.” In addition, the building was nominated under Criterion C “as a major expression of Eclectic and Period Revival design in the late 1920s. Intended to be a monumental achievement, the building was designed by Edward F. Neild, a prominent Shreveport, Louisiana, architect, in collaboration with the respected Phoenix architectural firm of Lescher and Mahoney. The building is a noteworthy work of these two firms and is significant on a statewide level because of the preeminence of Lescher and Mahoney as the dominant firm in the design of public buildings throughout Arizona at that time.”

This amendment to the Maricopa County Courthouse leaves unchanged these two aspects of significance. It is here proposed that the building should be recognized as having *national* significance based on its particular association with the landmark Supreme Court decision in the case of *Miranda v. Arizona*. Part one of the amended significance statement above details the significance of that decision, its precedents, and later development as a fundamental part of the modern American justice system. Extensive legal scholarship has detailed the importance of the Supreme Court’s *Miranda* ruling. It has been universally recognized as one of the most important and societally altering decisions to issue from the Warren Court (1953-1969). Part two reveals the background of that decision as the result of actions taken by Miranda, local Phoenix police who investigated the case and secured Miranda confession during interrogation, and local legal reformers who saw in the case an opportunity to clarify the rights held by all Americans, not only the innocent, facing the ordeal of a police interrogation.

After confessing, Miranda was taken to the fourth floor city jail within the Maricopa County Courthouse building. This “human side” of the story provides the crucial link to identify for historic preservation purposes the property most closely associated with the case so that it can be used to educate the public about the importance of what occurred there.<sup>53</sup>

This section focuses on the Maricopa County Courthouse as the property most closely linked to the case. Fortuitously, the courthouse, being a public property, is ideally suitable for use in interpreting the case to the general public and, in fact, is being so used. The building now contains, in the first floor space once housing the Phoenix police headquarters, the Phoenix Police Museum. This museum offers a variety of interpretive material on the history of the local police and their contribution to the safety and livability of the community. The museum also offers a large display on the *Miranda* case, the most important to have played out within its walls. The display includes artifacts, such as the stool and signage used during Miranda’s “mug shot” photos. Interestingly, on the county side of the building is another museum, the Maricopa County Justice Museum and Learning Center. It too includes educational material on the importance of the *Miranda* case.

Before further considering the specific aspects of the courthouse that convey its linkage to the *Miranda* case, a few words should be said of other sites related to Miranda for comparison. Those might include, first, the scene of the crime. In reference to the rape case, which was the basis of the more important of Miranda’s two convictions, the site has not been identified beyond reference to the “desert east of Phoenix.” Neither Miranda nor the victim identified the exact location, which given the growth in the

<sup>53</sup> Prentzas, *Miranda Rights*, 11; Stuart, *Miranda*, 7.

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urban area since is likely now developed. There was also the house in Mesa where Miranda lived with Twila Hoffman at the time the Phoenix detectives located the suspicious car. This location is not considered especially important, as its connection to the case was only momentary. Likewise, the Arizona State Capitol building where the Arizona Supreme Court rendered its decision in Miranda's first appeal lacks a significant connection as that court's ruling represented only a step in the process towards U.S. Supreme Court review. Also, since the Arizona Supreme Court did not hear oral argument in the appeal little occurred there beyond the in-office review of briefs and the issuance of the court's ruling. The location of Miranda's murder is also known, but not considered important to the case. There is, finally, the U.S. Supreme Court building itself. Its association with the *Miranda* decision is obviously of the highest order, yet it is also unsuitable to specifically interpret the *Miranda* case. The Court's significance is too broad to link to any one of its decisions.

Within the Maricopa County Courthouse, on the other hand, occurred several of the critical events without which there would not have been a *Miranda* case at all. At the time Phoenix police began investigating the cases that would lead to Miranda's arrest, most Phoenix municipal functions had recently moved to a new building and city council chambers constructed nearby. Remaining in the courthouse were:

- Phoenix police headquarters. These included the offices where the victim was questioned and the department's detectives conducted their investigation. This was where Miranda was "invited" to go after the detectives located him in Mesa. After stepping through the south side door where all suspects entered, Miranda would not be a free man again for some nine years. The space occupied by police headquarters is now used as interpretive space by the Phoenix Police Museum.
- Interrogation Room Number Two. In this closed space, referenced by every source detailing Miranda's legal journey, occurred the two hours of fateful questioning between detectives and suspect, the line up, the confrontation with the victim, and finally Miranda's confession. No lawyer was present and stories from participants dispute the level of "coercion" that may have taken place there. The conditions Miranda faced in the interrogation room stood symbolically for similar bare rooms across the country in which countless suspects faced questioning in circumstances few could appreciate without direct experience. Interrogation Room Number Two no longer exists; the partitions within the first floor space have since been removed. Its location is known and museum interpreters can point it out.<sup>54</sup>
- Photograph room. Following his formal arrest (which occurred after his confession), Miranda was escorted to the courthouse's fourth floor where he sat for his mug shot. These photographs are now standard illustrations in the many books written about the case. The bench on which he sat and the name board shown in the photographs still exist and are part of the Phoenix Police Museum's interpretive display. The fourth floor rooms are not currently open to the public or part of the museum's display, but they remain very much in the condition they existed at the time Miranda passed through.

<sup>54</sup> The website of the Phoenix Police Museum includes a video interview with former Phoenix detective Cooley, who still lives at the time of this writing. Officer Cooley describes Miranda and the questioning, naturally implying that the officers' actions at the time were not unreasonable, at least by the standards of the day. It may not be a point worth noting, but in the video, Cooley refers to the "interview room," while every other source refers to it as the Interrogation Room Number Two, a subtle softening of the implication.

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- City jail cells. Also located on the fourth floor, these cells held arrestees as they awaited arraignment. There are six cells in the city side of the building. It is not known in which of the six Miranda was held. These cells, also not open to the public, retain a grim integrity, the cell doors and their security locks still capable of making the ominous slamming sound so familiar in television drama.
- County jail cells. The city cells were largely used for brief pre-arraignment holding. Miranda spent most of his time, about three months, on the county side of the building where cells held defendants awaiting trial. It was while being held in the county jail side that he confessed the crime to Twila Hoffman. Only a portion of the county jail facility remains today as part of the Justice Museum. Most of the county jail cells have been removed.
- Courtroom. Within this building also occurred Miranda's trial in which attorney Moore vainly tried to exonerate Miranda of the charge of rape. Here Moore first raised the question of the admissibility of Miranda's confession, rejected by the judge, which set the stage for the case's ultimate disposition. The courtrooms retain a high level of integrity with their dark wood judge's benches and jury areas. These provide a historic feeling and with their elaborate decoration suggest something of the dignity of setting in historic courtrooms.

The *Miranda* decision has been the topic of many books and articles on the history of American law. While seemingly covering the topic from every angle, very few take notice of the building where many of the events they describe occurred. Authors frequently refer in a vague manner to Miranda being taken to the "police station," the "station house," and "police headquarters." One of the few to pinpoint the location of Miranda's interrogation, arrest, jailing, and trial as the Maricopa County Courthouse was Larry A. Van Meter, whose monograph includes a photograph of the building labeled "Phoenix Superior Court." Other authors do not appear to be as familiar with the physical setting where these events occurred. Prentzas, for instance, mentioned Miranda being "transferred to the city jail in Phoenix" following his confession, when he was simply moved upstairs in the same building. Hogrogrian stated that following his confession Miranda was held overnight in a "city jail cell" and later transferred to the larger county jail to await trial. Again, there is no indication that these two jail facilities were located in the same building, the Maricopa County Courthouse.<sup>55</sup>

These authors of legal monographs, usually aimed towards law students, wrote about the *Miranda* case and Supreme Court decision and were not so much concerned about historic preservation. This amendment to the Maricopa County Courthouse National Register nomination is intended to raise public awareness of the connection between this distinctive historic building in downtown Phoenix and one of the most famous of Supreme Court decisions. When Chief Justice Warren outlined the necessary elements of the *Miranda* warning, he could hardly have foreseen how well the warning would be integrated not only into police practice, but in popular culture as well. Within a short time of the decision, police in television dramas were reciting the warning weekly to villains to the point that likely many Americans had its words memorized. The purpose of the *Miranda* decision was to ensure that Americans in danger of losing their "life, liberty, or property" in a court of law were aware of their constitutional rights and had the means through legal counsel to exercise them. Even critics as high as Chief Justice Burger later recognized how fully the warning had become integrated into the legal system and popular culture.

<sup>55</sup> Prentzas, *Miranda Rights*, 11; Van Meter, *Miranda*, 27.

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In summary, the Maricopa County Courthouse, which has already been recognized as significant under Criterion A (theme of Politics/Government) and Criterion C (theme of Architecture) at the State Level of significance for the period 1928-1938, is also significant at the National Level under Criterion A (theme of Law) for the period 1963-1966, reflecting its close association to the case which led to the U.S. Supreme Court's landmark *Miranda* decision.

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CASES CITED

*Miranda v. Arizona* *State v. Miranda*, 98 Ariz. 18, 401 P.2d 721 (Ariz. 1965)  
384 U.S. 436, 86 S. Ct. 1602 (1966)

Companion Cases with Miranda

*Vignera v. New York* 384 U.S. 4365, 86 S. Ct. 1602 (1966)

*People [California] v. Stewart* 62 Cal. 2d 571, 400 P.2d 97, 43 Cal. Rptr. 201 (Cal. 1965)

*Johnson and Cassidy v. New Jersey* 384 U.S. 719, 86 S. Ct. 1772 (1966)

Other Cases Cited

*Barron v. Baltimore* 32 U.S. 243, 8 L. Ed. 672 (1833)

*Betts v. Brady* 316 U.S. 455, 62 S. Ct. 1252 (1942)

*Brown v. Board of Education* 347 U.S. 483, 74 S. Ct. 686 (1954)

*Brown v. Mississippi* 297 U.S. 278, 56 S. Ct. 461 (1936)

*Dickerson v. United States* 530 U.S. 428, 120 S. Ct. 2326 (2000)

*Edwards v. Arizona* 451 U.S. 477, 101 S. Ct. 1880 (1981)

*Escobedo v. Illinois* 378 U.S. 478, 84 S. Ct. 1758 (1964)

*Gideon v. Wainwright* 372 U.S. 335, 83 S. Ct. 792 (1963)

*Harris v. New York* 401 U.S. 222, 91 S. Ct. 643 (1971)

*Marbury v. Madison* 5 U.S. 137, 2 L. Ed. 60 (1803)

*Michigan v. Tucker* 417 U.S. 433, 94 S. Ct. 2357 (1974)

*Murphy v. Waterfront Commission* 378 U.S. 52, 84 S. Ct. 1594 (1964)

*New York v. Quarles* 467 U.S. 649, 104 S. Ct. 2626 (1984)

*People [California] v. Dorado* 62 Cal, 2d 338, 398 P. 2d 361 Cal. 1965)

*Powell v. Alabama* 287 U.S. 45, 53 S. Ct. 55 (1932)

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

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### 9. Major Bibliographical References

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**Bibliography** (Cite the books, articles, and other sources used in preparing this form)

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- Van Meter, Larry A. *Miranda v. Arizona: The Rights of the Accused*. New York: Chelsea House Publishers, 2007.

**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67 has been Requested)  
 previously listed in the National Register  
 previously determined eligible by the National Register  
 designated a National Historic Landmark  
 recorded by Historic American Buildings Survey # \_\_\_\_\_  
 recorded by Historic American Engineering Record # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office  
 Other State agency  
 Federal agency  
 Local government  
 University  
 Other  
Name of repository: Phoenix Police Museum

Historic Resources Survey Number (if assigned): \_\_\_\_\_

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

**10. Geographical Data**

**Acreage of Property** 2.00 acres  
(Do not include previously listed resource acreage)

**UTM References**  
(Place additional UTM references on a continuation sheet)

1	<u>12</u>	<u>400100</u>	<u>3701280</u>	3	<u>          </u>	<u>          </u>	<u>          </u>
	Zone	Easting	Northing		Zone	Easting	Northing
2	<u>          </u>	<u>          </u>	<u>          </u>	4	<u>          </u>	<u>          </u>	<u>          </u>
	Zone	Easting	Northing		Zone	Easting	Northing

**Verbal Boundary Description** (describe the boundaries of the property)

The 1989 nomination for the Maricopa County Courthouse defined its boundary as Block 76 of the original townsite of Phoenix. The property is currently defined in Maricopa County tax records as located on one parcel, numbered 112-22-075A, and the eastern one-fifth (1/5) portion of the adjacent parcel to the west, numbered 112-22-074A. These are owned by Maricopa County and the City of Phoenix, respectively, and reflect the joint use of the building by the county and city since its construction in 1928. The eastern portion of parcel 112-22-074A, 102 ft. from its eastern boundary, is included in this property boundary. Parcel 112-22-075A is 56,336 sq. ft and the eastern fifth of parcel 112-22-074A is 30,600 sq. ft., giving the combined size of the land within the boundary as 86,936 sq. ft., or almost precisely two acres.

**Boundary Justification** (explain why the boundaries were selected)

Parcel 112-22-075A and the eastern 100' of parcel 112-22-075A include the entirety of the Maricopa County Courthouse/Phoenix City Hall building, along with the small landscaped area to the front (north side) of the building facing Washington Street, and the current parking area to the south between the building and Jefferson Street. Omitted is that portion of parcel 112-22-074A currently occupied by the landscaped Cesar Chavez Memorial Plaza and the 1962 city office building and city council chambers.

**11. Form Prepared By**

name/title William S. Collins, Ph.D., Deputy State Historic Preservation Officer  
organization Arizona State Historic Preservation Office date October 8, 2014  
street & number 1300 W. Washington St. telephone (602) 542-7159  
city or town Phoenix state AZ zip code 85007  
e-mail wcollins@azstateparks.gov

Maricopa County Courthouse  
Name of Property

Maricopa County, Arizona  
County and State

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**Photographs:**

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

**Name of Property:** Maricopa County Courthouse

**City or Vicinity:** Phoenix

**County:** Maricopa

**State:** AZ

**Photographer:** Eric Vondy

**Date Photographed:** January 29, 2014 (#s 3, 4, 5, 6, 7, 8, 9, 10); October 3, 2014 (#s 1, 2, 11, 12, 13, 14)

**Description of Photograph(s) and number:**

**1 of 14.** North side of Maricopa County Courthouse. Main entrance. Top two floors were the county jail.

**2 of 14.** Decorative terra cotta detail on north side exterior façade.

**3 of 14.** South side of Maricopa County Courthouse; old police headquarters portion of City Hall. Left door is entrance to Phoenix Police Museum. Middle door is the old entrance door for arrestees.

**4 of 14.** South side of Maricopa County Courthouse. Old entrance door for arrestees.

**5 of 14.** Interior of Maricopa County Courthouse; old police headquarters portion of City Hall, now Phoenix Police Museum. Portion of the *Miranda* case museum display.

**6 of 14.** Interior of City Hall portion of Maricopa County Courthouse. Stairwell between police offices and city jail.

**7 of 14.** Interior of City Hall portion of Maricopa County Courthouse. Security mechanism for city jail cells.

**8 of 14.** Interior of City Hall portion of Maricopa County Courthouse. Block of city jail cells.

**9 of 14.** Interior of City Hall portion of Maricopa County Courthouse. City jail facilities.

**10 of 14.** Interior of City Hall portion of Maricopa County Courthouse. Photograph ("mug shot") room.

**11 of 14.** Interior of Maricopa County Courthouse. Ceiling decoration detail.

**12 of 14.** Interior of Maricopa County Courthouse. Judge's bench in Courtroom 309.

**13 of 14.** Interior of Maricopa County Courthouse. Carved detail from judge's bench in Courtroom 303.

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County and State

**14 of 14.** Interior of Maricopa County Courthouse. Block of county jail cells.

**Property Owner:**

name Maricopa County

street & number 301 W. Jefferson, Ste 960 telephone \_\_\_\_\_

city or town Phoenix state AZ zip code \_\_\_\_\_

name City of Phoenix

street & number 251 W. Washington St., Fl 3 telephone \_\_\_\_\_

city or town Phoenix state AZ zip code \_\_\_\_\_

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



MARICOPA COUNTY  
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125 W. WASHINGTON



WELLS FARGO



POLICE MUSEUM

OPEN

OPEN  
POLICE MUSEUM

POLICE MUSEUM

POLICE MUSEUM



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National Register of Historic Places  
Memo to File

# Correspondence

The Correspondence consists of communications from (and possibly to) the nominating authority, notes from the staff of the National Register of Historic Places, and/or other material the National Register of Historic Places received associated with the property.

Correspondence may also include information from other sources, drafts of the nomination, letters of support or objection, memorandums, and ephemera which document the efforts to recognize the property.

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES  
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: Maricopa County Courthouse

MULTIPLE NAME:

STATE & COUNTY: ARIZONA, Maricopa

DATE RECEIVED: 12/28/88      DATE OF PENDING LIST: 1/10/89  
DATE OF 16TH DAY: 1/26/89      DATE OF 45TH DAY: 2/11/89  
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 88003237

NOMINATOR: STATE

REASONS FOR REVIEW:

APPEAL: N    DATA PROBLEM: N    LANDSCAPE: N    LESS THAN 50 YEARS: N  
OTHER: N    PDIL: N    PERIOD: N    PROGRAM UNAPPROVED: N  
REQUEST: N    SAMPLE: Y    SLR DRAFT: N    NATIONAL: N

COMMENT WAIVER: N

ACCEPT     RETURN     REJECT    2/10/89 DATE

ABSTRACT/SUMMARY COMMENTS:

Significant under criterion A for its association with the development and maturation of local government in Arizona. Significant under criterion C as a major expression of Eclectic and Period Revival design in the late 1920's. Nice building and a good nomination.

RECOM./CRITERIA Accept - A, C  
REVIEWER Noble  
DISCIPLINE Historian  
DATE 2/10/89

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

---

CLASSIFICATION

count       resource type

---

STATE/FEDERAL AGENCY CERTIFICATION

---

FUNCTION

historic       current

---

DESCRIPTION

architectural classification  
 materials  
 descriptive text

---

SIGNIFICANCE

Period      Areas of Significance--Check and justify below

Specific dates      Builder/Architect  
Statement of Significance (in one paragraph)

summary paragraph  
 completeness  
 clarity  
 applicable criteria  
 justification of areas checked  
 relating significance to the resource  
 context  
 relationship of integrity to significance  
 justification of exception  
 other

---

BIBLIOGRAPHY

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GEOGRAPHICAL DATA

acreage       verbal boundary description  
 UTM's       boundary justification

---

ACCOMPANYING DOCUMENTATION/PRESENTATION

sketch maps     USGS maps     photographs     presentation

---

OTHER COMMENTS

Questions concerning this nomination may be directed to

\_\_\_\_\_ Phone \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_



# ARIZONA STATE PARKS

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DEPUTY DIRECTOR

December 23, 1988

Ms. Carol D. Shull  
Keeper of the National Register  
National Register of Historic Places  
National Park Service  
U. S. Department of the Interior  
Washington, D. C. 20240

DEC 28 1988  
NATIONAL  
REGISTER

RE: Maricopa County Courthouse  
National Register nomination

Dear Ms. Shull:

I am pleased to submit a National Register of Historic Places nomination for the property referenced above.

The nomination includes 1 contributing resource counted as follows:

one building

Accompanying documentation is enclosed, as required. We look forward to your response.

Sincerely,

Shereen Lerner, Ph.D.  
State Historic Preservation Officer

Enclosure



# ARIZONA STATE PARKS

800 W. WASHINGTON  
SUITE 415  
PHOENIX, ARIZONA 85007  
TELEPHONE 602-542-4174

ROSE MOFFORD  
GOVERNOR

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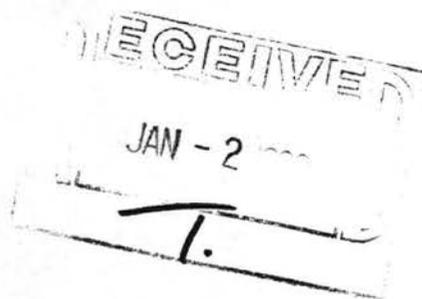
M. JEAN HASSELL  
STATE LAND COMMISSIONER

KENNETH E. TRAVOUS  
EXECUTIVE DIRECTOR

COURTLAND NELSON  
DEPUTY DIRECTOR

December 28, 1989

Ms. Carol D. Shull  
Keeper of the National Register  
National Register of Historic Places  
National Park Service -413  
P. O. Box 37127  
U. S. Department of the Interior  
Washington, D. C. 20013-7127



Re: Additional Documentation to National Register Nominations

Dear Ms. Shull:

It has been brought to my attention by our Historian and National Register coordinator, Kathy McKoy, that comment letters received from Certified Local Governments (CLGs) regarding several recent nominations were not forwarded to you with the nominations. In each instance, the officials (Mayors, CLG Commissions) were in full support of the nominations, thus this documentation probably would not have affected your decision to list the properties. To comply with NPS regulations however, I am forwarding you copies of these letters to include in the appropriate files. The nominations these letters relate to and their dates of listing are as follows:

<u>Property</u>	<u>County</u>	<u>Date Listed</u>
Maricopa County Courthouse	Maricopa	Feb. 10, 1989
El Zaribah Auditorium	Maricopa	March 9, 1989
West Prescott Historic District	Yavapai	August 10, 1989
Pine Crest Historic District	Yavapai	August 10, 1989
William Wrigley, Jr. Winter Cottage	Maricopa	August 16, 1989
East Prescott Historic District	Yavapai	October 2, 1989

If you have any questions regarding this documentation, please do not hesitate to call me or Kathy McKoy.

Sincerely,

Shereen Lerner, Ph. D.  
State Historic Preservation Officer

enclosures



**City of Phoenix**  
OFFICE OF THE MAYOR

12 1988

**Terry Goddard**  
Mayor

December 8, 1988

251 West Washington  
Phoenix, Arizona 85003  
602 262-7111

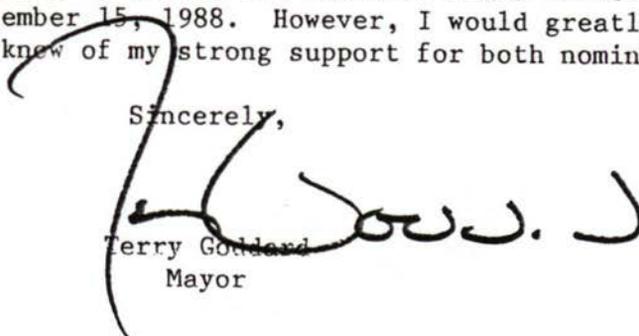
Shereen Lerner, Ph.D.  
State Historic Preservation Officer  
Arizona State Parks  
800 West Washington, Suite 415  
Phoenix, AZ 85007

Dear Shereen:

Thank you for sending me information on the nomination of the **Maricopa County Courthouse** and the El Zaribah Shrine Auditorium to the National Register of Historical Places.

Unfortunately, I won't be able to attend the Historic Sites Review Committee meeting in Prescott on December 15, 1988. However, I would greatly appreciate you letting the Committee know of my strong support for both nominations.

Sincerely,

  
Terry Goddard  
Mayor

TG/b1/beb/8469M ..



**City of Phoenix**

PLANNING DEPARTMENT

DEC 9 1988

ARIZONA STATE PARKS BOARD

December 5, 1988

125 East Washington St.  
Phoenix, Arizona  
85004-2342  
602-262-6655

Dr. Shereen Lerner, Ph.D  
State Historic Preservation Officer  
Arizona State Parks Department  
800 West Washington Street, Suite 415  
Phoenix, Arizona 85007

Re: **Maricopa County Courthouse**/City Hall and El Zaribah  
Shrine Auditorium National Register Nominations

Dear Dr. Lerner:

On November 28, 1988, the Phoenix Historic Preservation Commission unanimously recommended approval of the nominations to the National Register of Historic Places for both the Maricopa County Courthouse/Phoenix City Hall building and the El Zaribah Shrine Auditorium.

The Commission found that:

- a) that the subject property is eligible under criterion "a" and "c" as cited in the nomination;
- b) that the documentation is accurate based on a review of all available materials; and
- c) that the documentation is complete.

The Commission concurred with staff in the above findings and noted that both buildings had not only been identified in previous surveys, but had long been recognized as significant local landmarks in the community.

Attached is a copy of the staff report to the Preservation Commission for each nomination.

Sincerely,

  
William E. Jacobson  
Planner II

WEJ:1045vju

Attachments

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES  
EVALUATION/RETURN SHEET

REQUESTED ACTION: ADDITIONAL DOCUMENTATION

PROPERTY NAME: Maricopa County Courthouse

MULTIPLE NAME:

STATE & COUNTY: ARIZONA, Maricopa

DATE RECEIVED: 10/24/14 DATE OF PENDING LIST:  
DATE OF 16TH DAY: DATE OF 45TH DAY: 12/10/14  
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 88003237

NOMINATOR: STATE

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N  
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N  
REQUEST: N SAMPLE: N SLR DRAFT: N NATIONAL: Y

COMMENT WAIVER: N

ACCEPT  RETURN  REJECT 12/10/14 DATE

ABSTRACT/SUMMARY COMMENTS:

*amendment add AOS of Law at the national level. added POS 1963-1966 representing the time courthouse involved in the Miranda case to the year of the U.S. Supreme Court's decision. Courthouse is already listed under A.C. for political spirit + architecture at the state level.*

RECOM./CRITERIA A

REVIEWER Lisa Delane

DISCIPLINE Historic

TELEPHONE \_\_\_\_\_

DATE 12/10/14

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.

Janice K. Brewer  
Governor

Bryan Martyn  
Executive Director



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Mark Brnovich, Phoenix  
R. J. Cardin, Phoenix  
Kay Daggett, Sierra Vista  
Larry Landry, Phoenix  
Vanessa Hickman,  
State Land Commissioner

October 17, 2014

Carol Shull  
Interim Keeper of the National Register  
National Park Service  
1201 Eye Street, NW 8<sup>th</sup> Floor (MS2280)  
Washington, D.C. 2005-5905

**RE: MARICOPA COUNTY COURTHOUSE (AMENDMENT)  
PHOENIX, MARICOPA, AZ**

Dear Ms. Shull:

I am pleased to submit the National Register of Historic Places Registration Form for the property referenced above.

Accompanying documentation is enclosed, as required. Should you have any questions or concerns please contact me at [vstrang@azstateparks.gov](mailto:vstrang@azstateparks.gov) or at 602.542.4662.

Sincerely,

A handwritten signature in black ink that reads "Vivia Strang". The signature is written in a cursive, flowing style.

Vivia Strang, CPM  
National Register Coordinator  
State Historic Preservation Office  
Arizona State Parks

Enclosures

VS:vs