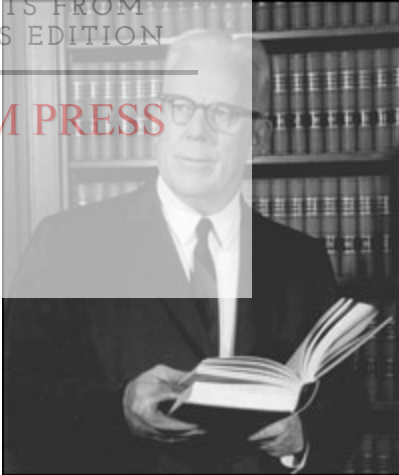


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*Chief Justice Earl Warren in 1966, at the time he wrote the majority opinion in *Miranda v. Arizona*. (Library of Congress)*

Miranda v. Arizona

Citation: 384 U.S. 436

Date: June 13, 1966

Issue: Procedural due process

In this case the U.S. Supreme Court decided that arrested persons must be informed of their rights to remain silent and to counsel before police interrogation may begin.

Miranda v. Arizona was one of a series of landmark Supreme Court cases of the mid-1960's establishing new guarantees of procedural fairness for defendants in criminal cases. The Court's decision in *Miranda* sprang from two different lines of precedents under the Fourteenth Amendment. One of these lines was the right-to-counsel cases: *Powell v. Alabama* (1932), in which the Court held that indigent defendants had to be afforded counsel in capital cases; *Gideon v. Wainwright* (1963), which extended the right to counsel for indigent defendants to all felony cases; and *Escobedo v. Illinois* (1964), in which the Court held that a confession obtained from a defendant who had asked for and been denied permission to speak to an attorney was inadmissible. By 1964, the right to counsel had expanded to include mandatory representation for indigents at trial in all felonies and also gave potential defendants the right to representation during questioning while in custody if they requested it.

The second line of cases culminated with *Malloy v. Hogan* (1964), in which the Court had held that the privilege against self-incrimination applied to the states. Moreover, prior to the *Miranda* case, a long series of Supreme Court decisions had established that neither physical coercion nor certain forms of psychological coercion could be used by police to obtain confessions from accused persons. Thus, on the eve of *Miranda*, constitutional rules barred the admission of confessions which had been coerced through either physical or psychological pressures or which had been obtained from an in-custody defendant who had requested the attendance of an attorney.

By then it was also clear that the entire body of the Fifth Amendment's self-incrimination clause was to be applied to the states through the due process clause of the Fourteenth Amendment. Like the other cases mentioned, *Miranda* rests on the due process clause of the Fourteenth Amendment, which requires that criminal procedure in state courts be fundamentally fair.

Ernesto Miranda's case involved a confession to rape and kidnapping which was elicited from him in a police interrogation room after his arrest. In addition to his oral admissions to the investigating officers, Miranda wrote out by hand a short statement, which he signed. The questioning, by two Phoenix detectives, involved neither physical nor psychological coercion as these had been defined in the earlier cases. The transcript of Miranda's interview showed that he answered the officers' questions freely, and that after an initial denial, he readily admitted abducting the victim and raping her. The entire interrogation and the preparation of Miranda's written statement took less than two hours.

The Case Reaches the Supreme Court

At trial, Miranda's oral admissions and his written statement were admitted into evidence over his objection; the victim testified against him as well. The jury found Miranda guilty of rape in the first degree and kidnapping, and he was sentenced to prison for a term of twenty to thirty years. He appealed to the Supreme Court of Arizona. After losing in that court, he appealed to the U.S. Supreme Court, which decided to hear the case in 1965. *Miranda* and three companion cases were argued February 28-March 2, 1966. On June 13, 1966, the Court decided in Miranda's favor by a 5-4 vote.

Chief Justice Earl Warren wrote for the majority, which consisted additionally of Justices Hugo Black, William O. Douglas, William J. Brennan, Jr., and Abe Fortas. Warren's opinion focused on the coercive elements present in any custodial interrogation. He argued that an accused person is isolated from friends, family, and his or her attorney and is often fearful of the police. The police, as contemporary text-books on interrogation showed, were schooled in a variety of tricks and techniques which are designed to overbear the will of an arrested person and induce confession.

These techniques, according to Chief Justice Warren's opinion, skirt the edge of improper physical or psychological coercion and demonstrate that custodial interrogation is inherently coercive. Consequently, an accused person does not have a free opportunity to use the Fifth Amendment right not to incriminate himself or herself or the Sixth Amendment right to counsel. Accordingly, the Court held that before any custodial interrogation can take place, an arrested person must be given a four-fold warning—what has become known as the "Miranda warning." Under this rule, a suspect in custody has to be informed of the right to remain silent, of the potential use of his or her words in evidence against him or her, of the right to consult an attorney before questioning, and of the right to an assigned attorney if he or she is indigent.

Any statement elicited by the authorities is inadmissible at trial unless the defendant has been given the warning and has freely and knowingly waived these rights. Moreover, if during questioning the defendant has asked at any point that