

Controversy Over the Court's Decision

Directions

The Court's decision in *Miranda* was met with criticism when it was handed down in 1966, and it continues to be controversial today. The table below contains commentary on the decision and its effect on law enforcement. For each quote decide whether the writer is supporting (pro) or criticizing (con) the decision in *Miranda*.

Quote	Pro or Con?
1. ". . . the idealistic impulse toward protecting individuals from overbearing state authority has resulted in a system where we deny people the opportunity to take responsibility for their criminal acts. In our system, a man or woman who takes responsibility must be crazy!"	
2. "[T]here is little evidence that a significant number of guilty people are going free because of the <i>Miranda</i> warning. The chief reason for this is that, contrary to expectations, most people under arrest do not keep their mouths shut and do not ask for a lawyer, even though it is almost always in their interest to do so."	
3. "Our citizens' confidence in the criminal justice system will be strengthened by ensuring that the rules will be fair to crime victims as well as suspects; will protect the public by helping convict those who voluntarily confess their guilt; and will promote honesty and accuracy in criminal trials by allowing the jury to hear all truthful evidence. . . A society that beats confessions out of suspects has lost its morals. But a society that rejects a suspect's voluntarily given confession has lost its marbles."	
4. "When people around the world go to the movies, they see a bad guy who has just murdered a nun, impaled a policeman and blown up a school, collared by Eastwood or Stallone or Tommy Lee Jones. What are the first words out of the good guy's mouth? 'You have the right to remain silent.' The viewer has to wonder what kind of political paradise America really is. People seeing this in Belgrade and Harare and Kuala Lumpur, places where the innocent get whacked and beaten and tortured at the whim of the authorities, can only be awestruck at a country that treats even its monsters with such delicacy."	
5. "Who invokes their right to remain silent or, especially, their right to counsel? The usual suspects: the hardened criminals, the ones who have been through the system many times before or who come into it well-heeled and well-counseled. These offenders don't need the warnings to understand their rights, and they are quick to assert them. For all the rest, <i>Miranda</i> amounts to little more than red tape, just another part of the ritual of putting on the handcuffs and making the trip to the station . . . <i>Miranda</i> does little, if anything, to protect the most vulnerable suspects."	

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Quote	Pro or Con?
<p>6. "In the common view, <i>Miranda</i> was necessary to protect accused criminals from being forced to confess through coercion or torture. Everyone is justifiably horrified at the possibility of punishing an innocent man. In order to avoid this extreme injustice, it was argued, it might be necessary at first to let a few obviously guilty murderers, rapists, and robbers go free on 'technicalities,' while the police 'learned the ropes.' . . . Yet twenty years later, the police still seem to 'make mistakes' all the time. Confessions are continually ruled inadmissible because they have been 'coerced.' . . . Investigations carried out under highly trained prosecutors often fail to issue in a conviction because the investigators did not 'observe the defendant's constitutional rights.'"</p>	
<p>7. "Unless <i>Miranda</i> warnings are a totally impotent gesture . . . there must be some percentage of suspects who invoke their right to remain silent who would not have done so. Some subset of that group, in turn, presumably would have gone on to make truthful confessions that would not have been 'involuntary' in the classic beaten-out-of-him sense. And in some subcategory of that subset, the confession would have been crucial to building a case against that suspect."</p>	

Write a paragraph expressing your opinion about the decision:

Quote Sources

1. Rothwax, Harold. *Guilty: The Collapse of Criminal Justice*. New York: Random House, 1996, p. 79.
2. "A Pillar of the Law Assailed." *Economist* 12/11/99 v 353 i8149 p. 23.
3. Otis, William G. "Miranda: Morals and Marbles." *The Washington Post* 24 November 1999: A23.
4. Krauthammer, Charles. "Supreme Hypocrisy." *The Washington Post* 30 June 2000: A31.
5. Coughlin, Anne M., "Miranda Only Works for the Usual Suspects." *The Washington Post* 12 December 1999: B1.
6. Tucker, William, "True Confessions: The Long Road Back from Miranda." *National Review* 18 October 1985: 28.
7. Parloff, Roger, "Miranda on the Hot Seat." *New York Times Magazine* 26 September 1999: 84-87.