

## **Miranda v. Arizona (1966)**

**Argued:** February 28–March 2, 1966

**Decided:** June 13, 1966

### **Background**

The Fifth and Sixth Amendments to the Constitution deal with the rights of accused persons. Initially these rights, like the others in the Bill of Rights, served as limitations only on the federal government. Throughout the 20<sup>th</sup> century, U.S. Supreme Court decisions applied most Bill of Rights protections to all levels of government in a process called **selective incorporation**.

The Fifth Amendment says that “No person...shall be compelled in any criminal case to be a witness against himself...” This is called **freedom from compulsory self-incrimination**. The Sixth Amendment says in part, “In all criminal prosecutions, the accused shall enjoy the right to ... have the assistance of counsel for his defense.” This is called the **right to counsel**. But what exactly do these words mean? In a series of cases decided primarily during the 1960s, the Supreme Court interpreted the meaning of these clauses, as well as other language from the Bill of Rights, in extending greater protections to criminal defendants being prosecuted in state and local courts, not just in federal courts.

### **Facts**

The U.S. Supreme Court reviewed criminal convictions in the courts of three states and one in a federal court. The facts were similar: each defendant had been convicted after making a confession while in law enforcement custody, but the confessions had not been preceded by any warnings that the suspect had a right to remain silent or to consult with a lawyer before deciding whether to make a statement.

The lead case involved Ernesto Miranda, whom a crime victim had identified in 1963 in a police lineup. Miranda was arrested and charged with rape and kidnapping. Miranda had an eighth-grade education. While he was in custody, the police interrogated him about the crime for two hours. The police did not inform him of his right against self-incrimination or his right to have the advice of a lawyer. During the interrogation Miranda confessed in writing to the kidnapping and rape charges. He did not request an attorney and did not have one present during questioning. At the top of his written statement was a typed paragraph stating that the confession was made voluntarily, without threats or promises of immunity, and “with full knowledge of my legal rights, understanding any statement I make may be used against me.” This confession was admitted as evidence during the trial, and Miranda was sentenced to 20–30 years in prison.

Miranda appealed his conviction to the Arizona Supreme Court, arguing that he was not informed of his Fifth and Sixth Amendment rights. The state agreed that the police did not warn Miranda of

these rights. However, since he had previously been convicted of a crime, they believed he was already aware of his rights. The Arizona Supreme Court upheld his conviction. Miranda asked the Supreme Court of the United States to hear his case, and the Court agreed to do so (along with the three other cases presenting similar issues).

### **Issue**

Does the Constitution require that a suspect being held in police custody receive certain warnings about the right to be free of self-incrimination and the right to have the assistance of a lawyer before they are questioned?

### **Constitutional Provisions and Supreme Court Precedents**

- **Fifth Amendment to the U.S. Constitution**

“No person shall...be compelled in any criminal case to be a witness against himself.”

- **Sixth Amendment to the U.S. Constitution**

“In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his [defense].”

- ***Gideon v. Wainwright* (1963)**

In a unanimous decision, the Supreme Court held that the Sixth Amendment’s right to a lawyer applies to felony cases in which an individual is suspected of a crime under state law. Before this case, the Sixth Amendment’s right to free assistance of counsel, if the accused is too poor to hire a lawyer, applied only to federal criminal defendants. In *Gideon*, the Court decided that if a criminal defendant accused of a felony cannot afford an attorney, the state must provide one for free.

- ***Escobedo v. Illinois* (1964)**

In this case the Supreme Court determined that the police violated Escobedo’s Sixth Amendment rights by repeatedly ignoring his requests to speak to a lawyer. The Court also said that the police should have reminded Escobedo of his right to remain silent during interrogation. The *Escobedo* decision gave suspects the right to seek the advice of a lawyer as soon as they were in police custody, if the suspect asked to consult with a lawyer before agreeing to be questioned. This helps ensure that statements are voluntarily and not coerced.

### **Arguments for Miranda (petitioner)**

- Miranda had only an eighth-grade education at the time of his arrest. This made him highly vulnerable to police force and persuasion. He needed to be informed of his rights to make

sure that any statements, including a confession, were made voluntarily and not the product of police coercion.

- Even though Miranda was not physically or psychologically threatened by the police during the interrogation, the traditional rule that a “coerced” or “involuntary” confession is inadmissible as evidence does not sufficiently protect a suspect’s right to be protected against self-incrimination. The privilege against self-incrimination is only meaningful if the police ensure that the suspect has the right to remain silent.
- In *Escobedo v. Illinois*, the Court held that a statement is inadmissible at trial if the police did not protect the suspect’s right to consult with counsel. The lower courts should have ruled that Miranda’s confession was inadmissible.

### **Arguments for Arizona (respondent)**

- Miranda had previously been convicted of a crime. He already knew of his right to remain silent and his right to a lawyer. Looking at the totality of the circumstances, his confession should have been considered voluntary and not coerced.
- Miranda’s confession was made of his own free will. He signed a statement that said he made the statement voluntarily, and he understood that the statement could be used against him at trial.
- The decision in *Escobedo* does not apply to this case. Here, Miranda did not ask for a lawyer. Because he did not try to exercise his rights, the police did not actually deny him of his constitutional rights to consult an attorney.
- The requirement of warnings that would apply in all cases—federal and state—is not found in the Constitution and is an intrusion on the right of states to operate their criminal justice systems.

### **Decision**

In a 5–4 decision, the Supreme Court ruled that the Fifth Amendment requires police officers to warn individuals that they have certain rights, including the right to remain silent and the right to have an attorney present during questioning.

### **Majority**

Writing for the majority of the Court, Chief Justice Warren stated that the prosecution may not use any statement made by the suspect while in police custody unless the police officers first inform the accused persons of their constitutional rights. The Court identified a few important warnings—which together would come to be known as **Miranda warnings**—that the police must provide a person in custody before starting questioning: **1)** the right to remain silent, **2)** that any statement may

be used against them at trial, **3)** that they have the right to have a lawyer present during questioning, **4)** and that a lawyer can be appointed if they cannot afford to hire one. Chief Justice Warren also stated that a person may **waive**, or choose to ignore, these warnings. However, that choice must be made voluntarily, knowingly, and intelligently. Additionally, if the person asks for a lawyer, the questioning must stop until a lawyer is present.

The Court's opinion carefully limited the situation in which these four warnings must be given in order to permit the use of any confession or other incriminating statements. The warnings must be given when a suspect is in police "custody." This means that warnings must be read before questioning if the suspects are formally "under arrest" or "in all settings in which their freedom of action is curtailed in any significant way." The decision does not apply to police questioning of witnesses or even suspects who are not being detained in some sense.

### **Dissents**

Justice Harlan (joined by two other justices) wrote a dissent in which he argued that there was no legal precedent or history supporting the majority's interpretation of the Fifth Amendment as requiring warnings about the privilege against self-incrimination.

Justice White's dissent (also joined by two justices) disagreed that custodial interrogation is automatically threatening and contended that the totality of the circumstances should be considered. He believed that the Fifth Amendment applied only to situations in which police officers or prosecutors clearly forced a suspect to make statements of guilt.

Justice Clark's separate dissent argued that the majority opinion interpreted the Fifth Amendment too strictly. He believed that issuing warnings about constitutional rights would burden police officers too much and keep them from investigating crime effectively. Instead of assuming statements made during interrogation are inadmissible, he thought the state should have to prove that the suspect knew of their rights and chose to ignore them.

### **Impact**

Despite the fact that Ernesto Miranda's confession was not introduced into evidence in his second trial, he was convicted again. He was sentenced to 20–30 years in prison. After he was paroled in 1972, he autographed Miranda warning cards to make money. He was arrested on numerous other occasions and returned to prison after violating parole. In 1976, Miranda was killed in a knife fight in a Phoenix bar.

Anyone who has seen a police drama on television is likely to recognize the series of warnings that police officers must give to suspects before questioning. They usually start with the phrase, "You have the right to remain silent." These rights were not required to be given to suspects until the landmark case of *Miranda v. Arizona*. This is why they are often called Miranda warnings.

While giving Miranda warnings has become a well-established law enforcement practice, there continues to be controversy and debate around this case. Some critics of the *Miranda* decision feel

that mandating the warnings was a federal intrusion on the rights of states, which have historically had the power to operate their criminal justice systems. Critics believe that this is an example of unwarranted judicial activism because the Court found rights in the Constitution that were not expressly written or intended by the Framers. Some believe that this decision ties the hands of the police and can unfairly restrict the use of evidence or confessions that are otherwise voluntary and may lead to acquittal of people who are guilty of crimes. There also continue to be questions about when the Miranda warnings must be given. Since the decision in *Miranda v. Arizona*, there have been several cases that have defined when and under what circumstances these rights begin in the interrogation process.

Additional information about *Miranda v. Arizona*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.