

## **ERNESTO MIRANDA v. ARIZONA**

384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d 694

Argued Feb. 18, March 1-2, 1966

Decided June 13, 1966



On March 3, 1963, an eighteen-year-old female was walking home from her job at a movie theater when a man grabbed her, threw her into the back seat of a car and tied her up. After driving around for about twenty minutes, the man stopped the car and raped her. She was then driven back to the area where she had been picked up and released.

After investigating the crime for ten days, police arrested 23-year-old Ernesto Miranda in his Phoenix home. Miranda had been in and out of trouble since he was fourteen. He was asleep when policemen knocked on the door of his rented house and said they wanted to take him to headquarters. "I didn't know whether I had a choice ...." he said in a 1973 interview. "I get in the car and asked them what it was about. They said they couldn't tell me anything."

At the station, Miranda was placed in a four-man lineup. When the victim stepped into the viewing room, she could not positively identify him. The police then took Miranda into an interrogation room and questioned him for two hours, after which he confessed to having committed the crimes.

Detectives said they never threatened Miranda or promised him leniency. Miranda told a different story: "... I haven't had any sleep since the day before. I'm tired. I just got off work, and they have me there interrogating me .... They start badgering you one way or the other ... 'you better tell us ... or we're going to throw the book at you' ... that is what was told to me ...." Whichever version was true, Miranda admitted to the rape and kidnapping.

After his brief confession, the detectives brought the victim into the room. One of them asked Miranda if his was the person he had raped. Miranda looked at her and said, "That's the girl."

When asked to formalize his confession in a written statement, Miranda agreed. Across the top of the statement was a typewritten disclaimer saying that the suspect was confessing 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." He signed the disclaimer.

Miranda said he repeatedly asked for a lawyer during the questioning but was refused. Two weeks later, at a preliminary hearing, he said he was again denied a lawyer. Finally, when he was arraigned, an attorney was appointed by the court—a 73-year-old attorney who had practiced virtually no criminal law for sixteen years. He persuaded Miranda to plead guilty by reason of insanity.

The written confession was introduced as evidence when Miranda was tried. He was found guilty of kidnapping and rape and sentenced to twenty to thirty years in prison.

When the case was appealed to the U. S. Supreme Court, Miranda did not appeal on the basis that his confession was false or coerced. Instead, he argued that he would not have confessed if he had been advised of his right to remain silent and of his right to an attorney. Lawyers for the state of Arizona said that Miranda could have asked for an attorney at any time and had not. They also indicated that his confession had been freely given.

- ISSUE: Under the Fifth Amendment privilege against self-incrimination and the Fourteenth Amendment Due Process of Law, what are the rights of a suspect taken into custody by the police?

MIRANDA v. ARIZONA (1966)  
Decision

The *Miranda* case was one of four decided together by the Supreme Court, all raising questions as to whether police methods had violated the constitutional rights of the defendants. The Supreme Court overturned Miranda's conviction, saying that his Fourteenth Amendment right not to be deprived of liberty without due process of law had been violated. Chief Justice Warren wrote the five-to-four opinion in which he was highly concerned about what goes on in the privacy of interrogation. He wrote:

*An understanding of the nature and setting of this in-custody interrogation is essential to our decisions today. The difficulty in depicting what transpires at such interrogations stems from the fact that in this country they have largely taken place incommunicado. From extensive factual studies undertaken in the early 1930's ... it is clear that police violence and the "third degree" flourished at that time. In a series of cases decided by this Court long after these studies, the police resorted to physical brutality -- beatings, hangings, whipping -- and to sustained and protracted questioning incommunicado in order to extort confessions ... The use of physical brutality and violence is not, unfortunately, relegated to the past or to any part of the country.*

*Again we stress that the modern practice of in-custody interrogation is psychologically rather than physically oriented ... this Court has recognized that coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional inquisition.... A valuable source of information about present police practices ... may be found in various police manuals and texts which document procedures employed with success in the past, and which recommend various other effective tactics.*

*From these representative samples of interrogation techniques, the setting prescribed by the manuals and observed in practice becomes clear. In essence, it is this: To be alone with the subject is essential to prevent distraction and to deprive him of any outside support. The aura of confidence in his guilt undermines his will to resist. He merely confirms the preconceived story the police seek to have him describe. Patience and persistence, at times relentless questioning, are employed. To obtain a confession, the interrogator must "patiently maneuver himself or his quarry into a position from which the desired object may be obtained."*

*When normal procedures fail to produce the needed result, the police may resort to deceptive stratagems such as giving false legal advice. It is important to keep the subject off balance, for example, by trading on his insecurity about himself or his surroundings. The police then persuade, trick, or cajole him out of exercising his constitutional rights...*

*In these cases, we might not find the defendants' statements to have been involuntary in traditional terms. Our concern for adequate safeguards to protect precious Fifth Amendment rights is, of course, not lessened in the slightest. To be sure, the records do not evince overt physical coercion or patented psychological ploys. The fact remains that in none of these cases did the officers undertake to afford appropriate safeguards at the outset of the interrogation to insure that the statements were truly the product of free choice...*

Chief Justice Warren explained that in order that a suspect's rights are fully protected, certain safeguards must be employed:

*We hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities 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** (emphasis added). 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.*

The Court indicated that these safeguards were "not intended to hamper the traditional function of police officers in investigating crime," and that, "There is no requirement that police stop a person who enters a police station and states that he wishes to confess to

a crime, or a person who calls the police to offer a confession or any other statement he desires to make."

In his dissenting opinion, Justice Harlan, with whom Justices Stewart and White agreed, wrote:

*While passing over the costs and risks of its experiment, the Court portrays the evils of normal police questioning in terms which I think are exaggerated. Albeit stringently confined by the due process standards interrogation is no doubt often inconvenient and unpleasant for the suspect. However, it is no less so for a man to be arrested and jailed, to have his house searched, or to stand trial in court, yet all this may properly happen to the most innocent given probable cause, a warrant, or an indictment. Society has always paid a stiff price for law and order and peaceful interrogation is not one of the dark moments of the law.*

*All four of these cases involved here present express claims that confessions were inadmissible; not because of coercion in the traditional due process sense, but solely because of lack of counsel or lack of warnings concerning counsel and silence. For the reasons stated in this opinion, I would adhere to the due process test and reject the new requirements inaugurated by the Court.*

Justice White, with whom Justices Stewart and Clark joined, also dissented and wrote:

*There is the not so subtle overtone of the opinion—that it is inherently wrong for the police to gather evidence from the accused himself. And this is precisely the nub of this dissent. I see nothing wrong or immoral, and certainly nothing unconstitutional, with the police asking a suspect whom they have reasonable cause to arrest whether or not he killed his wife or with confronting him with the evidence on which the arrest was based, at least where he has been plainly advised that he may remain completely silent. Until today, "the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence."*

*The most basic function of any Government is to provide for the security of the individual and of his property. These ends of society are served by the criminal law which for the most part is aimed at the prevention of crime.*

*Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.*

Justice Stewart also wrote a separate dissenting opinion.

The Court reversed Miranda's conviction and remanded his case to the Arizona courts.

FOLLOW-UP: Miranda was later retried, but the state did not introduce his written confession since it had been taken without his having voluntarily waived what is now called "the Miranda rights." Other evidence was sufficient and he was convicted and resentenced to 20 to 30 years in prison for the crimes, committed in 1963. Miranda also served a concurrent term for an unrelated \$8 robbery of a housewife.

Miranda was paroled in 1972 but was again arrested while on parole in July 1974 on charges of possession of dangerous drugs (three amphetamine pills) and a firearm. That arrest came after he was stopped for a routine traffic violation. The charges were dropped in October 1974 after a Superior Court judge ruled that the search violated Miranda's rights because police had no reasonable cause to search the car.

Miranda attempted to capitalize on the Supreme Court decision after being released from prison. He sold autographed "Miranda cards" around the Maricopa County Superior Court building. He originally sold the cards for \$1.50 but later raised the price to \$2, one officer said.

In 1978 Ernesto Miranda was stabbed to death in Phoenix in a fight over a bar room card game. When Miranda's killer fled down a back alley, police caught his accomplice. As the officers placed the man in the back of their cruiser, one of them pulled out a small card with words printed in English on one side and Spanish on the other. He began to read:

*You have the right to remain silent.*

*Anything you say can and will be used against you in a court of law.*

*You have the right to the presence of an attorney to assist you prior to questioning and to be with you during questioning if you so desire.*

*If you cannot afford an attorney, you have the right to have an attorney appointed for you prior to questioning.*

*Do you understand these rights?*

*Will you voluntarily answer my questions?*