

## ■ *Miranda v. Arizona*

**Date:** June 13, 1966

**Author:** U.S. Supreme Court; Chief Justice Earl Warren

**Genre:** court opinion

### Summary Overview

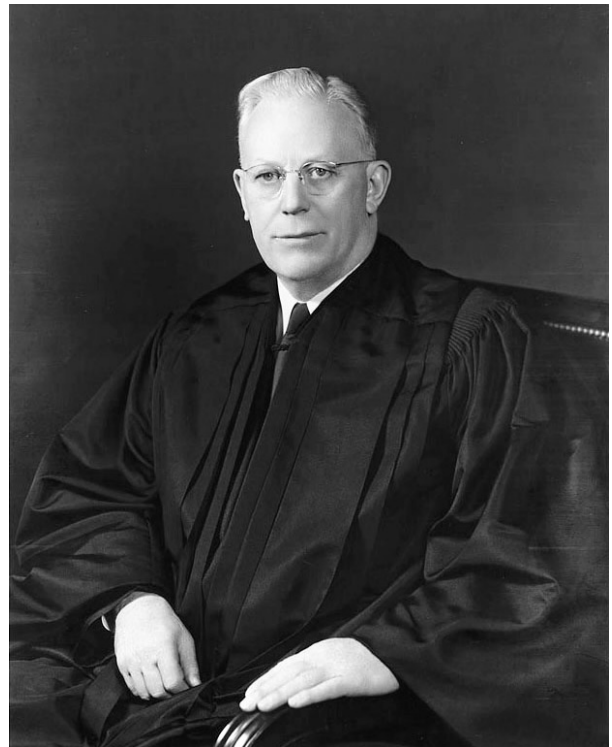
The *Miranda* decision, officially known as *Miranda v. Arizona*, is a landmark Supreme Court case during Lyndon Johnson's presidency. It established the requirement that law enforcement officials must inform individuals of their rights—specifically the right to remain silent and the right to an attorney—before interrogation, to protect against self-incrimination. While the decision itself was a significant victory for individual rights and due process, it is generally seen as part of the broader civil liberties advancements during the 1960s, which align with liberal principles of protecting individual freedoms and reforming the justice system.

Anyone who has watched a television crime drama is familiar with the phrase “You have the right to remain silent,” the opening words of the standard *Miranda* warnings. The U.S. Supreme Court decision in the case of *Miranda v. Arizona* established the duty of police to inform suspects of their constitutional rights before questioning them in custody. Otherwise, information gathered during police questioning becomes inadmissible in court, as it represents a violation of a suspect's constitutional rights, particularly those against self-incrimination protected by the Fifth Amendment.

The *Miranda* decision overturned the conviction of Ernesto Miranda, an Arizona man convicted on charges of rape and kidnapping. Miranda had confessed to the crimes while in police custody, but he had not been informed of his right to remain silent or to have the advice of an attorney during questioning. Although Americans initially worried that the decision could weaken law enforcement, the *Miranda* warnings have become a widely accepted feature of the criminal justice system.

### Defining Moment

Much of the practice of U.S. criminal justice rests on a foundation combining English common law, the protections of citizens guaranteed by the English Bill of Rights, and the essential promise of the Magna Carta that government is itself subject to its own laws. The Framers of the U.S. Constitution—many of them rebels against their own government who were lawbreakers in the cause of independence—presented numerous safeguards against the use of undue power by governments against their citizens. Among these were several amendments in the Bill of Rights aimed at ensuring fair treatment of the accused in the court sys-



Chief Justice Earl Warren, the author of the majority opinion in *Miranda*. Photo via Wikimedia Commons. [Public domain.]

tem, and many of these protections have to do with procedural concerns. The Fourth Amendment bars search and seizure without proper court authority, for example, and the Fifth Amendment offers a guarantee of due process. Rights to counsel, a jury trial, and reasonable bail and punishment help round out the guarantees. That the Framers wished to protect the rights of the accused is indisputable. What those protections required in a changing world, however, was a common question facing the U.S. Supreme Court in later years.

In the mid-1960s, the court under the direction of Chief Justice Earl Warren agreed to hear the case of *Miranda v. Arizona*, a joint review of four separate but similar lower court verdicts. Ernesto Miranda was a Phoenix man with limited education and a history of mental health problems. He was arrested in 1963 on charges of rape, kidnapping, and robbery. A witness picked him out of a police lineup, and police then interrogated him over the course of about two hours. During this time, Miranda confessed to the charges; this confession was later used as part of his trial. The court sentenced Miranda to a lengthy prison sentence. From prison, Miranda appealed the case. Police had not told him of his right to have an attorney present during interrogation, among other rights, and Miranda argued that his confession was therefore obtained in an unconstitutional procedure. Arizona courts declined to overturn his conviction, and Miranda appealed to the U.S. Supreme Court, which heard the case in early 1966. The Supreme Court considered other claims as part of the case. In the cases of *Vignera v. New York*, *California v. Stewart*, and *Westover v. United States*, suspects made signed confessions after interrogation without being informed of their rights to consult attorneys.

By this time, the Warren court had already heard and ruled on several key cases relating to the rights of the accused. The ruling in *Hernandez v. Texas* (1954) defined the notion of the “jury of one’s peers” to include those of one’s ethnic or racial group. *Mapp v. Ohio* (1961) rejected the use of evidence in court that was obtained without following proper procedures. *Gideon v. Wainwright* (1963) asserted the right of those accused of criminal felonies to have legal representation without regard to ability to pay, thus requiring the state to provide defense attorneys.

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### Author Biography

Earl Warren authored the majority opinion in the *Miranda* case. In 1953, Republican president Dwight D. Eisenhower appointed Warren as the fourteenth chief justice of the United States. A former district attorney and Republican governor of California, Warren had a long and respected history in the criminal justice system and enjoyed broad bipartisan political support in his home state. In 1948, he ran unsuccessfully for vice president with Republican presidential nominee Thomas Dewey. The loss was the only electoral defeat Warren experienced in his career in public service.

Historians generally recognize the Warren court as among the most liberal in the nation’s judicial history. Under Warren’s watch, the Supreme Court made numerous landmark rulings that overturned segregation laws, advanced the rights of the accused, and worked to enhance constitutional protections for underrepresented American groups. The *Miranda* ruling is among the best known of the Warren court’s decisions.



## Historical Document

### *Miranda v. Arizona*

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court, saying in part:

The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself.

Our holding will be spelled out with some specificity in the pages which follow but briefly stated it is this: the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. As for the procedural safeguards to be employed, unless other fully effective means are devised to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it, the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.

The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned.

## I.

The constitutional issue we decide in each of these cases is the admissibility of statements obtained from a defendant questioned while in custody or otherwise deprived of his freedom of action in any significant way. In each, the defendant was questioned by police officers, detectives, or a prosecuting attorney in a room in which he was cut off from the outside world. In none of these cases was the defendant given a full and effective warning of his rights at the outset of the interrogation process. In all the cases, the questioning elicited oral admissions, and in three of them, signed statements as well which were admitted at their trials. They all thus share salient features incommunicado interrogation of individuals in a police-dominated atmosphere, resulting in self-incriminating statements without full warnings of constitutional rights.

The use of physical brutality and violence is not, unfortunately, relegated to the past. . .

Unless a proper limitation upon custodial interrogation is achieved such as these decisions will advance there can be no assurance that practices of this nature will be eradicated in the foreseeable future. . .

Again we stress that the modern practice of in-custody interrogation is psychologically rather than physically oriented. As we have stated before, "Since *Chambers v. Florida* [1940] 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." *Blackburn v. Alabama* (1960). Interrogation still takes place in privacy. Privacy results in secrecy and this in turn results in a gap in our knowledge as to what in fact goes on in the interrogation rooms. A valuable source of information about present police practices, however, 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. These texts are used by law enforcement agencies themselves as guides. It should be noted that these texts professedly present the most enlightened and effective means presently used to obtain statements through custodial interrogation.

By considering these texts and other data, it is possible to describe procedures observed and noted around the country. . . . [The Court here quotes at length from a number of books on criminal investigation.]

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 objective 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.

Even without employing brutality, the “third degree” or the specific stratagems described above, the very fact of custodial interrogation exacts a heavy toll on individual liberty and trades on the weakness of individuals. This fact may be illustrated simply by referring to three confession cases decided by this Court in the Term immediately preceding our *Escobedo* decision. In *Townsend v. Sain* (1963), the defendant was a 19 year-old heroin addict, described as a “near mental defective.” The defendant in *Lynum v. Illinois* (1963), was a woman who confessed to the arresting officer after being importuned to “cooperate” in order to prevent her children from being taken by relief authorities. This Court as in those cases reversed the conviction of a defendant in *Haynes v. Washington* (1963), whose persistent request during his interrogation was to phone his wife or attorney. In other settings, these individuals might have exercised their constitutional rights. In the incommunicado police-dominated atmosphere, they succumbed. . .

In these cases, we might not find the defendant’s 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. In each of the cases, the defendant was thrust into an unfamiliar atmosphere and run through menacing police interrogation procedures. The potentiality for compulsion is forcefully apparent, for example, in *Miranda*, where the indigent Mexican defendant was a seriously disturbed individual with pronounced sexual fantasies, and in *Stewart*, in which the defendant was an indigent Los Angeles Negro who had dropped out of school in the sixth grade. To be sure, the records do not evince overt physical coercion or patent 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.

It is obvious that such an interrogation environment is created for no purpose other than to subjugate the individual to the will of his examiner. This atmosphere carries its own badge of intimidation. To be sure, this is not physical intimidation, but it is equally destructive of human dignity. The current practice of incommunicado interrogation is at odds with one of our Nation’s most cherished principles that the individual may not be compelled to incriminate himself. Unless adequate protective devices are employed to dispel the

compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

From the foregoing, we can readily perceive an intimate connection between the privilege against self-incrimination and police custodial questioning. .

## II.

We have recently noted that the privilege against self-incrimination, the essential mainstay of our adversary system, is founded on a complex of values... All these policies point to one overriding thought: the constitutional foundation underlying the privilege is the respect a government, state or federal must accord to the dignity and integrity of its citizens. To maintain a "fair state-individual balance," to require the government "to shoulder the entire load," to respect the inviolability of the human personality, our accusatory system of criminal justice demands that the government seeking to punish an individual produce the evidence against him by its own independent labors, rather than by the cruel, simple expedient of compelling it from his own mouth. In sum, the privilege is fulfilled only when the person is guaranteed the right "to remain silent unless he chooses to speak in the unfettered exercise of his will" . . .

The question in these cases is whether the privilege is fully applicable during a period of custodial interrogation. We are satisfied that all the principles embodied in the privilege apply to informal compulsion exerted by law-enforcement officials during in-custody questioning. An individual swept from familiar surroundings into police custody, surrounded by antagonistic forces, and subjected to the techniques of persuasion described above cannot be otherwise than under compulsion to speak. As a practical matter, the compulsion to speak in the isolated setting of the police station may well be greater than in courts or other official investigations, where there are often impartial observers to guard against intimidation or trickery.

This question, in fact, could have been taken as settled in federal courts almost 70 years go, when, in *Bram v. United States* (1897), this Court held:

"In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment commanding that no person 'shall be compelled in any criminal case to be a witness against himself.'"

## III.

It is impossible for us to foresee the potential alternatives for protecting the privilege which might be devised by Congress or the States in the exercise of their creative rule-making capacities. Therefore we cannot say that the

Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process as it is presently conducted. Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws. However, unless we are shown other procedures which are at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it, the following safeguards must be observed. . .

If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. . . This Court has always set high standards of proof for the waiver of constitutional rights, *Johnson v. Zerbst* (1938), and we reassert these standards as applied to in-custody interrogation. Since the State is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation, the burden is rightly on its shoulders. .

The warnings required and the waiver necessary in accordance with our opinion today are, in the absence of a fully effective equivalent, pre-requisites to the admissibility of any statement made by a defendant. No distinction can be drawn between statements which are direct confessions and statements which amount to "admissions" of part or all of an offense. The privilege against self-incrimination protects the individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination. Similarly for precisely the same reason, no distinction may be drawn between inculpatory statements and statements alleged to be merely "exculpatory." If a statement made were in fact truly exculpatory it would, of course, never be used by the prosecution. In fact, statements merely intended to be exculpatory by the defendant are often used to impeach his testimony at trial or to demonstrate untruths in the statement given under interrogation and thus to prove guilt by implication.

These statements are incriminating in any meaningful sense of the word and may not be used without the full warnings and effective waiver required for any other statements. In *Escobedo* itself, the defendant fully intended his accusation of another as the slayer to be exculpatory as to himself.

The principles announced today deal with the protection which must be given to the privilege against self-incrimination when the individual is first subjected to police interrogation while in custody at the station or otherwise deprived of his freedom of action in any significant way. It is at this point that

our adversary system of criminal proceedings commences, distinguishing itself at the outset from the inquisitorial system recognized in some countries. Under the system of warnings we delineate today or under any other system which may be devised and found effective, the safeguards to be erected about the privilege must come into play at this point. .

In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible. Confessions remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence. The fundamental import of the privilege while an individual is in custody is not whether he is allowed to talk to the police without the benefit of warnings and counsel, but whether he can be interrogated. 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. Volunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today. . .

#### IV.

A recurrent argument made in these cases is that society's need for interrogation outweighs the privilege. This argument is not unfamiliar to this Court. . The whole thrust of our foregoing discussion demonstrates that the Constitution has prescribed the rights of the individual when confronted with the power of government when it provided in the Fifth Amendment that an individual cannot be compelled to be a witness against himself. That right cannot be abridged. As Mr. Justice Brandeis once observed:

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face." *Olmstead v. United States* [1928] (dissenting opinion). . .

#### V.

Because of the nature of the problem and because of its recurrent significance in numerous cases, we have to this point discussed the relationship of the Fifth Amendment privilege to police interrogation without specific

concentration on the facts of the cases before us. We turn now to these facts to consider the application to these cases of the constitutional principles discussed above. In each instance, we have concluded that statements were obtained from the defendant under circumstances that did not meet constitutional standards for protection of the privilege. . .



## Document Analysis

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In the opening of his opinion, Warren clearly identifies the issue he believes is at stake: the application of “the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime.” Warren, who believed that the Constitution was a living document that could be actively interpreted to apply to contemporary issues, seeks to connect precedents with the issue at hand: authorities obtaining confessions without directly informing the accused of their rights. Although Warren agrees that physical coercion is rare in the modern world, he states that psychological coercion was a powerful force against which the accused has to rely on constitutional protections. These protections, enshrined in the Fifth Amendment’s mandate that no one “shall be compelled in any criminal cause to be a witness against himself,” requires that any confession must be made in a fully voluntary fashion according to Warren’s argument. Withholding knowledge that could aid a person in exercising those rights represents a violation of the Constitution through omission rather than commission. The opinion acknowledges that the protection of the rights of the accused may offer a threat to public security but hails the federal and state governments for their efforts to balance those competing demands.

Central to the opinion’s message is its explicit assertion that accused persons must know that they are protected from self-incrimination. The Miranda warnings dictated by Warren’s opinion in *Miranda v. Arizona* are among the most familiar features of modern U.S. criminal justice. The standard warnings inform people being taken into police custody that they have the right to remain silent, that anything they say can be used against them at trial, that they have the right to counsel from an attorney, and that the state will provide an attorney if they are unable to afford to hire one independently.

## Essential Themes

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Warren’s opinion reflected a narrow majority of the court, and other justices strongly rejected his claims. In a dissenting opinion, Justice John Marshall Harlan

II warned that the decision was not only constitutionally unsound but also potentially dangerous for public safety. Justice Byron R. White offered another dissenting opinion in which he argued that Warren’s opinion was without adequate legal and constitutional precedent. The divide between these two schools of thought revealed the often-contentious nature of constitutional interpretation, even in cases of individual liberties.

The delicate balance between liberty and security is one of the most enduring struggles in U.S. history. Having fought a war against a government they perceived as unjust and uninterested in their natural rights, the Framers of the Constitution created a plan for governance that strongly supported the rights of the individual in the face of possible government abuse. The inclusion of four amendments that specifically dictate the rights an individual holds in the criminal justice system—such as avoidance of self-incrimination, freedom from excessive bail, and freedom from undue search and seizure—reflect a deep commitment to personal liberty even when an individual may have compromised the security of others.

At the same time, however, the Constitution was written in part because of concerns over public safety. The outbreak of Shays’s Rebellion (1786–87) in western Massachusetts highlighted the weakness of the national government in responding to internal threats. Clashes between these ideals of individual liberty and public safety have continued throughout the nation’s development. For example, the Civil War, fought partly to obtain the personal liberty of enslaved people, was also an era of martial law and suspension of the writ of habeas corpus. Also, President Woodrow Wilson framed World War I as a battle for international democracy while permitting wartime dissidents to be arrested within the nation’s borders.

The *Miranda* decision, and the controversy that ensued, stands as a part of this ongoing debate. Americans publicly decried the decision as weakening the power of police to enforce the law. Worries over the weakening of the justice system came at a time of rising crime and social instability. Over time, this controversy abated, and a consensus emerged favoring the

usage of what came to be known as “Miranda warnings.” Within decades, the Miranda protections became ingrained in both the U.S. legal system and the American psyche. When the Supreme Court heard a case on a similar issue in 2000, it affirmed Warren’s opinion that receiving a recitation of constitutional rights is absolutely guaranteed, even if statements of self-incrimination are made voluntarily. On this issue, the ideal of liberty has trumped the goal of common security.

—Vanessa E. Vaughn, MA

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