

Miranda v. Arizona, 1966

HISTORICAL BACKGROUND

With its decisions in the cases of *Mapp v. Ohio*, 1961, *Gideon v. Wainwright*, 1963, and *Escobedo v. Illinois*, 1964, the Warren Court handed down the bases of what it called the “fundamentals of fairness” standard. At both the State and federal level, the Court sent a clear signal to law enforcement and criminal justice officials. Convictions not made in conformity with the “fairness” standard would likely be overturned. Constitutional guarantees of due process for the accused had to be upheld.

The Court heard a number of similar cases at the same time that it heard *Miranda*, but since this case was listed first on the docket, we have come to know the Court's collective judgment by this name. The *Miranda* decision distilled the several “fundamental fairness” standards into one succinct statement of the due process rights of the accused. Thanks to television police shows, the Miranda warning has become a statement of a citizen's rights familiar to many Americans.

CIRCUMSTANCES OF THE CASE (THE GIST)

A kidnapping and sexual assault occurred in Phoenix, Arizona, in March 1963. On March 13 Ernesto Miranda, 23, was arrested in his home, taken to the police station, identified by the victim, and taken into an interrogation room. Miranda was not told of his rights to counsel prior to questioning. Two hours later, investigators emerged from the room with a written confession signed by Miranda. It included a typed disclaimer, also signed by Miranda, stating that he had “full knowledge of my legal rights, understanding any statement I make may be used against me,” and that he had knowingly waived those rights.

Two weeks later at a preliminary hearing, Miranda again was denied counsel. At his trial he did have a lawyer, whose objections to the use of Miranda's signed confession as evidence were overruled. Miranda was convicted of kidnapping and rape, and received a 20-year sentence.

CONSTITUTIONAL ISSUES

Was a confession an admissible document in a court of law if it was obtained without warnings against self-incrimination and without legal counsel—rights guaranteed to all persons by the 5th and 6th amendments? With whom does the burden of proof rest for determining whether a defendant has legally “waived” his or her rights? What is the standard for judging whether “voluntary confessions” should be deemed admissible? When should an attorney be appointed for a person if he or she cannot afford one?

ARGUMENTS FOR MIRANDA

The police clearly violated Miranda's 5th Amendment right to remain silent, and his 6th Amendment right to legal counsel. Arizona ignored both the *Escobedo* rule (evidence obtained from an illegally obtained confession is inadmissible in court) and the *Gideon* rule (all felony defendants have the right to an attorney) in prosecuting Miranda. His confession

was illegally obtained and should be thrown out. His conviction was faulty, and he deserved a new trial.

ARGUMENTS FOR ARIZONA

Ernesto Miranda was no stranger to police procedures. He negotiated with police officers with intelligence and understanding. He signed the confession willingly. The prosecution was proper, his conviction was based on Arizona law, and his imprisonment was just. The Supreme Court should uphold his conviction and should not further cripple the work of police.

OUTCOME

By a 5-4 margin, the Court voted to overturn Miranda's conviction. Writing for the majority, Chief Justice Warren declared that the burden is upon the State to demonstrate that "procedural safeguards effective to secure the privilege against self-incrimination" are followed. "The current practice of 'incommunicado' [unable to communicate with the world] interrogation is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself."

Warren then summarized the case, measuring it against the "fundamental fairness" standards the Court had established. "[I]t is clear," he wrote, "that Miranda was not in any way apprised of his right to consult with an attorney and to have one present during the interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any other manner. Without these warnings [his] statements were inadmissible. The mere fact that he signed a statement which contained a typed-in clause stating that he had 'full knowledge' of his 'legal rights' does not approach the knowing and intelligent waiver required to relinquish constitutional rights."

Turning to the standard for a valid waiver of rights, Warren wrote: "[A] valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained... Moreover, any evidence that the accused was threatened, tricked or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege."

Warren then spelled out the rights of the accused and the responsibilities of the police. Police must warn a suspect "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."

The creation of the Miranda Warning put on the shoulders of the police the burden of informing citizens subject to questioning in a criminal investigation of their rights to "due process." Ernesto Miranda, retracting his confession, was tried again by the State of Arizona, found guilty, and sent to prison. His retrial, based on a prisoner's successful appeal, did not constitute "double jeopardy."