

Miranda v. Arizona / Excerpts from the Majority Opinion—Answer Key

The following are excerpts from Chief Justice Warren's majority opinion:

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. . . . As for the procedural safeguards to be employed . . . 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.

The Fifth Amendment privilege is so fundamental to our system of constitutional rule and the expedient of giving an adequate warning as to the availability of the privilege so simple, we will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given. . . . The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it. . . . [T]his warning may serve to make the individual more acutely aware that he is faced with a phase of the adversary system—that he is not in the presence of persons acting solely in his interests.

[W]e hold that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation under the system for protecting the privilege we delineate today. . . . No amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead: Only through such a warning is there ascertainable assurance that the accused was aware of this right.

If an individual indicates that he wishes the assistance of counsel before any interrogation occurs, the authorities cannot rationally ignore or deny his request on the basis that the individual does not have or cannot afford a retained attorney. . . . The privilege against self-incrimination secured by the Constitution applies to all individuals. The need for counsel in order to protect the privilege exists for the indigent as well as the affluent.

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. . . . [W]e hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning, the privilege against self-incrimination is jeopardized.

Questions to Consider

1. According to Chief Justice Warren, what fundamental questions does this case raise about the American justice system?

Chief Justice Warren says that the case raises questions about how much restraint society (and in particular the police) must observe when pursuing a criminal case in order to conform to the demands of the U.S. Constitution. In other words, what are the boundaries of what the police can do when investigating a crime?

2. What does he mean by “custodial interrogation”?

Custodial interrogation refers to the period of questioning of a suspect while he or she is in the custody of (or in the hands of) the police. Chief Justice Warren says that the rule of *Miranda* applies to "questioning initiated by law enforcement officers after a person has been taken into custody."

3. Why does he say that we should not rely on asking individuals whether they are aware of their rights without a warning being given?

Chief Justice Warren says the Fifth Amendment is so important to the justice system and the act of informing suspects of their rights is so simple, that it doesn't make sense on a case-by-case basis to wonder whether the defendant was aware of his rights.

4. What does Chief Justice Warren say the police have to do to ensure due process?

The police have to demonstrate "the use of procedural safeguards effective to secure the privilege against self-incrimination."

5. Do you agree that when a person is taken into custody and subjected to questioning, the privilege against self-incrimination is jeopardized unless explicit (clearly stated) warnings are given about rights? Why or why not? Should there be any exceptions to this rule? Explain. Student answers will vary.