Miranda v. Arizona: The Supreme Court, Politics, and Social Change

An Honors Thesis (HONRS 499)

by

Timothy C. Baldwin

Thesis Advisor
Dr. Ralph Baker

Ball State University
Muncie, Indiana

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Purpose of Thesis:

This thesis explores the landmark 1966 Supreme Court decision, *Miranda v. Arizona*, in regards to social factors, political influences, civil liberties, and the administration of criminal justice. It gives an historical analysis of the case, from the civil rights ruling that sparked a public controversy, to the attempts of ambitious politicians who sought to overturn it. It also attempts to explain the actual effects of the *Miranda* decision; whether it has lived up to the fears of escalating crime rates, or whether it remains as a hallmark of the constitutional rights of all men and women.
Phoenix, Arizona. 11:15 P.M., March 2, 1963. Late that Saturday night an eighteen year old refreshment girl at a downtown theater rode the bus home after finishing work. While walking home from the bus stop she was grabbed, shoved into a car, and bound at the ankles where she was driven into the desert and raped by an unknown assailant.

After running home hysterical and frightened, the young girl's sister telephoned the police, who were dispatched to her home. Officers Carroll Cooley and Wilfred Young arrived to question the woman, who described her attacker as a Mexican male, 27-28 years old, 5'11", 175 pounds, with a slender build and black, short, curly hair. She could not as clearly remember the car, but did recall it as an older model.

One week later, the young woman's brother met her at the bus stop and while walking home they noticed an old model Packard driving along, which she thought looked similar to the car driven by her assailant. He wrote the license number down and gave it to the investigating officers. Officers Cooley and Young ran the plate through registrations and found a 1953 Packard registered to a young woman whom they discovered had a man living with her by the name of Ernest Miranda.

The officers located Miranda and he was asked to go to the police station with them, although he was not told what it was about. Miranda said later, "I didn't know whether I had a choice" (Baker 12). He was then placed in a line-up for the young woman to identify her abductor. She was not able to positively identify Miranda as the man who had driven her
into the desert.

Officers Cooley and Young then took Miranda into an interrogation room, informed him that he had been identified by the woman, and proceeded to question him at length about the rape. Miranda eventually confessed to the rape and the young girl was brought to the interrogation room for Miranda to identify, which he did. He then signed a written confession to the crime, and signed a statement that he was confessing voluntarily.

At the trial, Maricopa County Deputy Prosecutor Laurence Turoff introduced into evidence only one exhibit on behalf of the state, the written confession of Ernest Miranda. Defense counsel Alvin Moore objected to the introduction of the confession as evidence, citing that Miranda was without an attorney at the time of signing the confession. He told the court, "We object because the Supreme Court of the United States says a man is entitled to an attorney at the time of his arrest" (Baker 23). Moore's objection was overruled, as was his reasoning that the confession of Ernest Miranda was not voluntarily obtained. Judge Yale McFate reasoned that "the fact that a defendant was under arrest at the time he made a confession, or that he was not at the time represented by counsel, or he was not told that any statement he might make could or would be used against him, in and of themselves, will not render such confession involuntary" (Baker 24). This reasoning held, as the jury found Miranda guilty of kidnapping and raping the young woman.
Miranda was sentenced to two concurrent terms of twenty to thirty years at the Arizona State Prison. Moore appealed, claiming that Miranda's constitutional rights had not been protected. He had not been warned that his confession could be used against him, and he was not made aware of his rights prior to signing the confession. He was not provided with an attorney at the time of his questioning.

Little known to the participants at that time, the two hours in the interrogation room would have a substantial impact on the American public, politics, and the administration of criminal justice for years to come. The man, Ernest Miranda, was quickly forgotten, but his name became a calling card for the rights of individuals in criminal cases. Miranda, the Supreme Court decision, symbolized everything that was good in the administration of criminal justice, and everything that was wrong with it. It showed the split between those who believed that the state's right to uphold justice was more important than the rights of criminals, and those who argued that the constitutional rights of all people are so sacred that even the rights of criminals could not be infringed upon on behalf of the best interests of the state. Miranda's case made crime a social and political issue that shook the very foundations of the criminal justice system and forced police and the courts to take another look at crime. Some hailed the landmark decision as a symbol of human rights, while others damned it as an invitation to criminal deviance and corruption (Baker 14). On either hand, Miranda stands as one
of the most significant and far-reaching cases ever handed down by the Supreme Court.

Ernest Miranda's case dealt with the admissability of confessions, whether they were obtained voluntarily, and the rights guaranteed to criminal suspects during a custodial interrogation. These concerns had long been overlooked or ignored in the administration and practices of the criminal justice system policy and procedures. A formal study conducted in 1931 (known as the Wickersham Commission) revealed widespread police brutality in dealing with criminal suspects. Especially violent were examples of police brutality while attempting to elicit confessions. The Commission listed examples of beatings, pistol whippings, strappings, and holding suspects' heads under water in order to elicit confessions (Baker 67). Despite the findings of the study, the United States Supreme Court remained reluctant to intervene in the decisions of the state courts, and would do so only in an extremely drastic emergency.

The first case in which the Supreme Court intervened in the decision of a state court was Powell v Alabama (1932). The case involved nine young black men, known as the Scottsboro Boys, who were convicted of raping two white girls on a freight train during the summer of 1931. The boys were provided with less than adequate counsel, even though it was a capital case, and the trial itself was nothing more than a sham. The trial was dictated by an angry mob that had gathered in the courthouse (Baker 67). The boys were sentenced to death. In this case, the Supreme Court intervened and reversed the decision
of the Alabama court, ordering new trials. This marked the first time that the Supreme Court had overturned the decision of a state court because the defendants had not had a fair trial.

In 1936 the Supreme Court took another step in the direction of protecting individual rights. In their decision in Brown v. Mississippi, they reversed a state court conviction because a coerced confession had been used to secure the convictions of three poor, illiterate black men. One of these men had been hung by a tree and whipped until he confessed. The other two were forced to strip and were beaten with a leather strap until confessing. The Supreme Court reversed the convictions on the basis that the defendants had been denied their constitutional right to due process of law, as guaranteed by the Fourteenth Amendment. In the unanimous decision, written by Chief Justice Charles Evans Hughes, it was stated, "the rack and torture chamber may not be substitutes for the witness stand" (Malone 375).

Never before had the Supreme Court taken more measures to assure the rights of all individuals than during the era known as the Warren Court, named for its Chief Justice Earl Warren. At the time Ernest Miranda's case was being argued to the land's highest court, they were not at the height of public support or popularity. The Warren Court had been for years "upsetting long-established customs and altering long-established procedures, all in the name of upholding the constitutional rights of the individual" (Baker 27). Miranda was the latest
in a long line of cases heard by the court in the 1960's in which individual rights had been upheld over the claims of law enforcement.

In 1964 The Warren Court had ruled on a confession case called Escobedo v Illinois. The defendant, Danny Escobedo, was arrested by police as a suspect in a shooting and taken into custody. For three hours police questioned Escobedo about the crime. He repeatedly asked to see his lawyer, who was present in the station house and was trying to see his client. Both were repeatedly refused. At no time was he informed of his constitutional right to remain silent. Escobedo eventually made an incriminating statement involving himself in the crime. This statement, or confession, was used to gain conviction for the state of Illinois. The Warren Court intervened, ruling that during a custodial interrogation a suspect has a right to "the Assistance of Counsel" as guaranteed by the Sixth Amendment. The accused, they ruled, must also be warned of his absolute constitutional right to remain silent (Baker 32). The Court's decision in Escobedo sent a message that the interrogation room was not beyond the reach of the United States Constitution.

While an inmate at the Arizona State Prison, Ernest Miranda filed a petition for certiorari to the Supreme Court of the United States. His case had been appealed and his conviction upheld by the Arizona State Supreme Court. The writ of certiorari is the formal request to the court for a case to be heard. At the same time, Miranda's case caught the attention
of the American Civil Liberties Union and Robert Corcoran, who ran the Phoenix office. Miranda's attorney Alvin Moore indicated that he would be unable to take the case, so Corcoran was able to solicit the expertise of John Flynn, who in turn enlisted the help of John Frank, who was at the time one of Arizona's leading criminal attorneys.

In preparing the case, it was agreed that Flynn was the better trial attorney and would handle the oral argument. Frank, along with some younger members of his law firm, would handle most of the legal work in preparing the brief, and his firm would cover the expenses (Baker 63).

There was disagreement between the two lawyers over what strategy to take in arguing the case. Flynn felt that the case concerned the Fifth Amendment issue of self incrimination; however, he eventually agreed with Frank's reasoning that the case was more of a Sixth Amendment "Assistance of Counsel" issue. The two decided to take the case as a Sixth Amendment violation. In the brief the lawyers wrote, "The cause of due process is ill-served when a disturbed, little-educated indigent is sentenced to lengthy prison terms on the basis of a confession which he gave without first being advised of his right to counsel" (Baker 84).

For Miranda's case to be heard by the Supreme Court, it had to satisfy certain criteria and a thorough review of the justices. For any case to be heard by the high court, it must raise a substantial federal or constitutional question that could not be resolved by any state law. Miranda's case satisfied
the necessary criteria and the judges decided his case was ripe for consideration. The timing of the case played a big role in the court's decision, as their recent ruling in Escobedo had been very broad and left a feeling that some matters of the confessions issue needed clarification. They saw Miranda as the avenue to resolve the matter.

Monday, February 28, 1966. John Flynn began his oral argument that afternoon on case number 759, Ernesto A. Miranda, Petitioner, versus Arizona. During his description of the case, Flynn was interrupted by Justice Fortas who asked, "You said that Miranda was not told that he might remain silent. Did you say that" (Baker 137)? From that moment on, Flynn continued his argument with Fifth Amendment considerations, as he had thought, as well as Sixth Amendment.

Gary Nelson, assistant attorney general in charge of appeals for the state of Arizona, began his first oral argument in front of the Supreme Court as soon as Flynn finished his. The state's presentation was based on the belief that the confessions question was strictly a Sixth Amendment issue. State's argument was that allowing counsel for the defense to enter the interrogation room would effectively cease interrogation. Throughout Nelson's presentation, the justices constantly attacked him on Fifth Amendment questions as related to Miranda's case, to which he had no sound legal or constitutional answers (Baker 138).

Monday, June 13, 1966. Chief Justice Earl Warren read the landmark decision in the case Miranda v Arizona. For the
first time since the ruling in *Brown v Mississippi* was handed down in 1936, the Supreme Court reversed the conviction of a state court because a confession was coerced. The decision was unprecedented, as it imposed specific rules on law enforcement officers and agencies regarding custodial interrogation and the admissibility of confessions. These rules were clearly defined in the decision:

The prosecution may not use statements stemming from custodial interrogation unless it can demonstrate the use of procedural safeguards to protect against self-incrimination.

Prior to any questioning, the accused must be informed of his right to remain silent, that any statements made may be used as evidence against him, and that he has the right to an attorney.

The defendant may waive these rights if said waiver is made voluntarily, knowingly, and intelligently. If he wishes to talk to an attorney before speaking, there can be no questioning. If he tells police he does not want to be interrogated, the police may not question him.

The Supreme Court's decision applied to confessions taken while individuals were in custody only, which was the case with Ernesto Miranda. Under this decision, no incriminating statements which had come from a custodial interrogation would
be admissible at trial unless police had previously warned the defendant of his specific rights, and the defendant had knowingly and voluntarily waived these rights (Sheehan 299). Miranda's waiver, it was ruled, had not been freely or voluntarily given. His confession was thus ruled inadmissible, and the decision of the Arizona State Supreme Court was reversed.

The decision that day had brought the constitutional safeguards of the Fifth and Sixth Amendments to the country's police stations and interrogation rooms. It stood as the high point of the Warren Court's dedication to the high ideals of civil liberties. It guaranteed the rights of all people, rich and poor alike, would be equally protected according to the law and the Constitution of the United States. However, there were many strong feelings that this time the court had gone too far...

The reading of the decision in **Miranda** was only the beginning of a social, legal, and political debate over whether the Court had gone too far in protecting the rights of individuals. The Court had divided, with the four dissenting justices standing as an inspiration for the public upheaval over **Miranda**, and fueling the protests of politicians and the law enforcement community. The dissenters were extremely critical of **Miranda**, and their concerns left law enforcement officials fearful for the future.

Police complained bitterly in protest of the **Miranda** ruling, which they felt was far too heavy a restraint placed on them
by the court. The Boston Police Commissioner argued that, "Criminal trials will no longer be a search for truth, but for technical error" (Baker 176). Many police officers felt that criminals' rights were being protected at the expense of innocent victims and the public at large. They complained that the ruling actually protected the guilty, and claimed that voluntary confessions would be impossible to obtain. Police officers felt that the Court was going too far by looking over their shoulders and examining routine police procedures.

Many police departments virtually ignored the Miranda rulings, maintaining a "business as usual" attitude in their daily workings. One anonymous police officer was quoted as saying, "... the Miranda decision... police have never cared about any of that. That's all bullshit. They testify however they want to.

'Did you give him the Miranda warning?'
'Yeah, sure I gave it to him.' Who's there to say he didn't give the prisoner the Miranda warning? The prisoner? That's a joke" (Mark Baker 318).

There was also considerable confusion as to exactly what officers could do under Miranda, and to when and where it applied. Hardly anyone thoroughly understood the basic requirements. This confusion led to frustration and a feeling by the police that they had been betrayed by the Supreme Court. Attacks on the Warren Court by law enforcement officials were at an all time high.

The dissenters of Miranda, the public controversy and
upheaval, and repeated attacks on the Supreme Court as being "soft on criminals," pushed the issue of crime into the political limelight. Congress was quick to attack the Supreme Court, claiming that they possessed too much power. Legislation was drafted in attempt not only to nullify the *Miranda* decision, but to reduce the power of the Supreme Court as a branch of government. Congressmen and Senators were also quick in assuring their constituents that they were tough on crime and would not support Court decisions which, in their eyes, supported the rights of criminals. Constitutional amendments were introduced, and some congressmen went so far as to call for Earl Warren's impeachment (Malone 371).

Amid this controversy, crime in the streets emerged as the number one domestic issue in the 1968 Presidential election. Ever the political opportunist Republican candidate Richard Nixon led the tirades on the Warren Court and their decision in *Miranda*. Nixon placed most of the blame for the increase in street crime on the *Miranda* majority. He claimed that their decision, "had the effect of seriously hamstringing the peace forces in our society and strengthening the criminal forces" (Baker 211). He believed that the dissenters in the high court, who had consistently been out voted by the more liberal 5-4 majority on civil rights issues, were justified in attacking the majority decision. From their stern dissent, Nixon formed his platform for a "war on crime." He promised to appoint justices to the court who would share his ideology of a strict construction to the constitution, and he launched
an all out assault on the Warren Court.

Nixon skillfully exploited the nation's ever-increasing fear of crime, promising an administration that would restore law and order in American society. This was a tactic not unknown to Nixon, as he had while a young congressman, exploited the fear of Communism to further his own political career. The strategy was the same, only Nixon's villain had changed.

When Nixon was elected to the Presidency in 1968, all of the cards for the undoing of Miranda had finally fallen into place. Nixon had promised in his campaign to appoint strict constructionist justices to the Supreme Court, who would oppose decisions such as Miranda. Once in office, that is precisely what he proceeded to do. Not only would the newly elected President be able to appoint four new justices to the court, but subsequent court decisions were to be handed down which would have a more narrow interpretation of the constitutional rights of criminal defendants(Baker 217)...
new Chief Justice by mid-summer 1969.

Nixon's first choice for replacing the Chief Justice was judge Warren Burger of the U.S. Court of Appeals for the Washington D.C. Circuit. Burger was a strict law-and-order judge, confirming criminal convictions in 87 percent of the cases he heard (Baker 194). Burger was also very active on the lecture circuit, repeatedly attacking Miranda and similar decisions, as well as the Supreme Court itself. All of this caught the attention of Richard Nixon, who felt that Burger would be an ideal replacement for the Chief Justice. Burger's ideology of a "strict construction to the constitution" and his tough approach to crime gained him overwhelming Senate approval. He was to be sworn in on the last day of the Court's 1968 term.

Washington D.C. June 23, 1969. Exiting Chief Justice Earl Warren read the oath, and it was repeated by Judge Warren Burger. That moment marked the end of the Warren Court; the court which had been dedicated to preserving the rights of all people, rich and poor alike, eliminating racial injustice, promoting equality, and protecting the constitutional rights of all men and women for the past sixteen years. The man who had written the decision in Miranda was being replaced by the man who vehemently opposed it. Warren Burger was now Chief Justice of the United States Supreme Court. That moment marked the end of an era (Baker 287). The change that took place that day was a foreshadowing of the many changes which were to take place under the new Chief Justice.
When Burger was sworn in, there was an empty seat where Justice Abe Fortas would have sat. He had recently been the target of a public controversy which had ultimately led to his resignation. This meant that early in Nixon's administration, he would have the opportunity for a second appointment to the Supreme Court.

The opening of the Court's 1969 term began with an air of uncertainty. No longer was there Earl Warren to preside. Abe Fortas's chair remained vacant. The *Miranda* majority had been substantially weakened, with only Justices Black, Brennan, and Douglas remaining. Thurgood Marshall, who had been appointed by President Johnson when Tom Clark (dissenter in *Miranda*) had resigned his seat, joined their camp, forming what was now a four man minority.

After twice failing to gain congressional confirmation of appointees to fill former Justice Fortas's seat, President Nixon settled on another strict constructionist who would gain approval. The judge was Harry Blackmun, currently sitting on the U.S. Court of Appeals for the Eighth Circuit. Blackmun was confirmed, and took the oath on June 9, 1970. Nixon had delivered on his promise; the Supreme Court was now composed of a majority which was in opposition to the mind set of the Warren Court and the *Miranda* majority. The new ideology of the "Burger Court" and subsequent decisions would begin to take the backbone out of the landmark *Miranda* decision (Baker 306).

Since assuming the office of Chief Justice, Warren Burger consistently expressed his belief to his fellow justices that
certain precedents set by the Warren Court should be overruled. Miranda v. Arizona was one of those decisions (Baker 311). The first such case came in September of 1969, involving Viven Harris, who was convicted of selling heroin to an undercover police officer.

Harris's case involved a confessions issue, but in a different way than had Ernest Miranda's. Harris had given a statement to police officers without first receiving Miranda warnings, and the statement was used in trial to impeach his credibility. It was clear that the statement had been gained in violation of Miranda, and could not be used to gain conviction. However, the legal issue being raised was whether the statement could be used to impeach his credibility as a witness. This case was significant, because if the Court allowed illegally obtained evidence admissibility for any reason, it could open the door for the use of illegally obtained evidence in other situations.

In February, 1971 Chief Justice Burger handed down the Supreme Court's ruling in Harris v. New York, upholding the use of the statement and affirming the conviction. Burger reasoned that an otherwise inadmissible statement, if trustworthy, could be used to impeach a defendant's credibility at trial. Burger wrote in the majority decision, "The shield provided by Miranda cannot be perverted into a license to use perjury by way of a defense, free from the risk of confrontation with prior inconsistent utterances" (Baker 317).

The decision in Harris did not overrule Miranda, but
allowing such evidence to be admissible in trial opened the door for further decisions which would chip away at earlier rulings handed down by the Warren Court. The Court had split 5-4 in the decision, clearly illustrating the importance and significance of the two Nixon appointees. These appointees had joined the three remaining dissenters from Miranda, Justices Harlan, White, and Stewart to form what was now a conservative majority.

Eighty-five year old Justice Hugo Black decided he would be unable to return to his seat after the 1970 term, due to failing health. He died days after sending his letter of resignation to President Nixon. Black had been instrumental in the landmark civil rights decisions handed down by the Warren Court. His passing marked yet another opportunity for Nixon to fulfill his promise to pack the Supreme Court with strict constructionists to the constitution.

Justice John Harlan also failed to return to his seat for the 1971 term. Harlan was also taken to illness, and eventually passed away a few months after Hugo Black. Throughout his tenure on the high court, Harlan had stood as a conservative, but his vacancy was certainly to be filled with another justice of similar ideology.

Nixon was quick to fill the two empty seats, again with strict constructionists. His first choice was Lewis Powell, a prominent practicing lawyer from Virginia. His second appointee was William Rehnquist, who was at the time serving as the head of the Justice Department's Office of lawyer. Both
appointees were easily confirmed, thus fulfilling Nixon's promise to pack the court with conservatives. Only Justices Douglas and Brennan of the Miranda majority remained. Nixon had made four new appointments to the Supreme Court, all of whom shared his ideology and his disagreement with the three decades of Warren Court decisions (Baker 324). Those decisions, especially Miranda, seemed doomed to reversal...

In 1974, another case came before the Court which had the possibility of further undoing Miranda. The case, Michigan v. Tucker, involved a conviction gained in an interrogation in which complete Miranda warnings had not been given. Tucker was told by police of his right to remain silent and of his right to counsel. However, he was not told that he would be provided with a lawyer if he could not afford one. His statements were excluded at trial, but the statements of a witness whom Tucker had identified in his interrogation were admitted.

The issue raised in this case was whether evidence obtained as a result of illegally obtained evidence (as the fruit of ill-gotten evidence) must be excluded as well. However, the Court dodged this issue, and instead attempted to redefine the Miranda ruling. They conceded that the complete Miranda requirements had been disregarded, but that they had been done so inadvertently. Police in this case, they reasoned, had acted in good faith, thus making an exception to the exclusionary rule. The majority opinion believed that the disregard of
Miranda rulings on the behalf of the police had no actual effect on Tucker's trial. Justice Rehnquist wrote in the majority opinion, "The law does not require that a defendant receive a perfect trial, only a fair one" (Baker 350).

*Michigan v. Tucker* clearly demonstrated the conservative thinking which had become a dominant majority on the United States Supreme Court. The shrinking liberal minority was dealt yet another blow with the retirement of the senior associate justice, William Douglas, in November, 1975. Douglas had been partially paralyzed in a stroke he had suffered a year before, and his health had since been steadily deteriorating. After thirty-six years on the nation's highest court, Douglas's failing health had forced him to forward his letter of retirement to the President.

However, the man who had been responsible for packing the court with conservatives would not have another opportunity for appointment. Richard Nixon was no longer President. He had resigned in August, 1974 amid a public scandal which had become known as Watergate. Gerald Ford, whom Nixon had appointed to be Vice President with the resignation of Spiro Agnew, became President when Nixon resigned.

Douglas's retirement left Justice Brennan as the only remaining justice who was in the Miranda majority. President Ford's first selection to fill Douglas's seat was John Stevens, a judge for the U.S. Court of appeals for the seventh circuit. Stevens was easily confirmed by the Senate, and was sworn in less than one month later. Stevens was indeed a conservative,
but whether he would fit the mold of the Nixon-appointed strict constructionists still remained to be seen (Baker 388).

December 15, 1975. The Supreme Court of the United States granted certiorari in the case of Brewer v. Williams. This was an extremely critical case involving the confessions issue and custodial interrogation. In fact, the attorney general of Iowa was specifically asking the Supreme Court to overrule Miranda in this case, and it seemed certain, considering the current make-up of the court, that it would.

The case involved an escaped mental patient named Robert Williams, who had allegedly kidnaped a ten year old girl, killed her, and buried the body. A young boy had seen Williams loading a bundle into his car, which was found the next day 160 miles away. A warrant was issued for his arrest, and Williams eventually surrendered to police. He was then driven back the 160 miles to Des Moines where the crime had occurred.

Williams had been given the proper Miranda warnings, and had decided not to make any statements until he got back to Des Moines and could talk to a lawyer. However, during the ride, police detective Captain Cleatus Leaming gave to Williams what has become known as the "Christian burial speech." He told Williams that he felt he was the only one who knew where the girl's body was, and that the girl's family should be entitled to a proper Christain burial. With a snowstorm predicted for that night, Captain Leaming expressed his concern to Williams that it would be impossible for anyone to find the body the next morning. In consideration of the speech, Williams
directed police to the body, as well as making incriminating statements (Baker 391). He was later found guilty on the basis of that confession.

Counsel for Williams, Robert Bartells, knowing the disposition of the court, wanted to avoid arguing the case on Miranda grounds. He instead addressed it as a Sixth Amendment right to counsel issue. Bartells claimed that Williams had been denied his right to counsel during the return trip to Des Moines, when the incriminating statements were made.

Surprisingly, when the decision was handed down in March, 1975, the Supreme Court had also addressed the case as a Sixth Amendment issue. The majority opinion reasoned that Leaming had been overzealous in his handling of the case. The confession, given while in the isolation of the police car, was ruled to be inadmissible at trial. It was the opinion of the majority that the detectives had deliberately sought to take the opportunity to elicit incriminating evidence from Williams, despite his desire to speak to an attorney before making any statements (Baker 393). His conviction was remanded to the Iowa state court and a new trial was ordered.

Although Brewer v. Williams seemed to be the ideal avenue for overturning Miranda, marking the high point of efforts to overturn the landmark decision, it too had failed. The 5-4 decision clearly demonstrated that despite what some ambitious politicians might have hoped, the ultimate loyalty of the justices was to the constitution and the law of the land. Miranda had endured attacks from every segment of American life,
surviving as a symbol of the constitutional rights of all men and women. The decision had never lived up to the fears of escalating crime rates and criminals walking free because of technicalities; nor had the decision significantly reduced the number of confessions that police were able to obtain, as others had feared. In reality, Miranda warnings have had very little effect on the likelihood that a suspect will talk; most routinely waive their rights. In fact, next to the warning label on cigarette packs, Miranda is the most largely ignored official advice in society (Malone 368). Miranda had become an accepted part of the popular culture, serving as a constant reminder of man's equality and civil rights. Miranda the man was not as fortunate...

The Supreme Court's decision did not free Ernest Miranda, it only gave him a new trial. He was tried and convicted again. On March 1, 1967, one year to the day after his case was being argued before the Supreme Court, Ernest Miranda was again sentenced to twenty to thirty years in the Arizona State Prison.

Ernest Miranda was paroled in 1971, but his freedom was to be short-lived. In July, 1974, Miranda was pulled over in downtown Tempe for driving on the wrong side of the road. He was arrested for driving on a suspended license, and the ensuing search revealed amphetamines and a loaded .38 caliber revolver. Possession of the gun and the amphetamines were both in violation of his parole, and he was sent back to the Arizona State Prison where he would serve for two more years.

over a poker game in a downtown bar, in which Ernest Miranda, appliance store deliveryman, was stabbed by one of the illegal Mexican immigrants he was playing poker with. He was pronounced dead on arrival at the Good Samaritan Hospital (Baker 408). The killer fled, but Phoenix police were able to catch his accomplice. Before questioning him, two officers read to him from a card, one in English, one in Spanish:

You have the right to remain silent.
Anything you say can 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 to you prior to questioning.
Do you understand these rights?
Will you voluntarily answer my questions?
Works Cited


