

Focus on Freedom

MIRANDA v. ARIZONA

*In 1963 Ernesto Miranda was arrested in Arizona and charged with several felonies. After two hours of police questioning, Miranda confessed to the crimes. In *Miranda v. Arizona* (1966), the Court reversed his conviction and established the procedures that police now follow in questioning suspects.*

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. . . . 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 the right to the presence of an attorney. . . . The defendant may waive . . . these rights, provided that 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. . . .

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 . . . or otherwise deprived of his freedom of action in any significant way. . . .

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. Voluntary statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

—CHIEF JUSTICE EARL WARREN, 1966

Examining the Document

Reviewing Facts

1. **State** which constitutional right police violated when they questioned Miranda.
2. **Specify** the procedure police must follow before questioning a suspect whom they have detained.

Critical Thinking Skills

3. **Demonstrating Reasoned Judgment** Why would the Court allow a confession to be phoned in to police but not one made by a person in custody?