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Case notes

CRIMINAL PROCEDURE

Miranda v. Arizona

U.S. Supreme Court · 1966



Where does "You have the right to remain silent" come from?

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Contents

1. Case card
2. The story in 150 words
3. Facts
4. Procedural history
5. The question presented
6. The holding and the rule
7. The reasoning, step by step
8. Dissents
9. Doctrine map
10. What happened next
11. Common myths vs the record
12. Study questions
13. Remember
14. Sources
15. Test yourself

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Case card

Field	Record
Full name	*Miranda v. Arizona*, decided with *Vignera v. New York*, *Westover v. United States* and *California v. Stewart*
Citation	384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
Court	Supreme Court of the United States, on certiorari to the Supreme Court of Arizona (No. 759), the New York Court of Appeals (No. 760), the Ninth Circuit (No. 761) and the Supreme Court of California (No. 584)
Docket numbers	Nos. 759, 760, 761 and 584, October Term 1965; certiorari granted, 382 U.S. 924, 925, 937
Argued	February 28 – March 1, 1966 (Nos. 759–761); February 28 – March 2, 1966 (No. 584)
Decided	June 13, 1966
Vote	5–4
Majority	Chief Justice Warren, joined by Justices Black, Douglas, Brennan and Fortas
Dissents	Clark (dissenting in Nos. 759–761, concurring in the result in No. 584); Harlan, joined by Stewart and White; White, joined by Harlan and Stewart
Counsel (No. 759)	John J. Flynn argued for Miranda, with John P. Frank on the brief; Gary K. Nelson, Assistant Attorney General, argued for Arizona
Below	*State v. Miranda*, 98 Ariz. 18, 401 P.2d 721 (1965) (No. 1394, April 22, 1965), reversed
After remand	*State v. Miranda*, 104 Ariz. 174, 450 P.2d 364 (1969) (No. 1802, February 6, 1969; rehearing denied March 11, 1969): second conviction affirmed
Outcome	Statements from custodial interrogation are inadmissible unless the prosecution shows warnings (or a fully effective equivalent) and a knowing, intelligent waiver. Miranda, Vignera and Westover win reversals; the California reversal in *Stewart* is affirmed.

Companion cases below: *People v. Vignera*, 15 N.Y.2d 970, 207 N.E.2d 527 (1965), remittitur amended, 16 N.Y.2d 614, 209 N.E.2d 110 (1965); *Westover v. United States*, 342 F.2d 684 (9th Cir. 1965); *People v. Stewart*, 62 Cal. 2d 571, 400 P.2d 97 (1965).

Later cases in this pack: *Dickerson v. United States*, 530 U.S. 428 (2000) (No. 99-5525; argued April 19, decided June 26, 2000; 7–2; Rehnquist, C.J.; Scalia, J., dissenting with Thomas, J.). *Vega v. Tekoh*, 597 U.S. 134 (2022) (No. 21-499; argued April 20, decided June 23, 2022; 6–3; Alito, J.; Kagan, J., dissenting with Breyer and Sotomayor, JJ.). *Vega* pin cites are to the official slip opinion ("slip op.").

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The story in 150 words



Slide 1: Interrogation Room No. 2 · Watch this part (0:00)

On March 13, 1963, Phoenix police questioned Ernesto Miranda about the kidnapping and rape of an eighteen-year-old woman ten days earlier. After about two hours in "Interrogation Room No. 2" he signed a confession. A typed paragraph at the top said he made it "with full knowledge of my legal rights," but no one had told him he could have a lawyer with him during questioning. The confession was used at trial, a jury convicted him, and the Arizona Supreme Court affirmed. In 1966 the U.S. Supreme Court reversed by 5–4. It held that before police question someone in custody, they must warn the person of the right to remain silent and the right to a lawyer, appointed if necessary. Arizona then tried Miranda again without the confession. A jury convicted him a second time, largely on the testimony of the woman he lived with.

Facts



Slide 4: Phoenix, March 3, 1963 · Watch this part (1:19)

The crime. On March 3, 1963, the complaining witness, "a girl eighteen years of age", had been working in the concession stand at the Paramount Theatre in downtown Phoenix. After getting off a bus on her way home, she was seized, forced into a car, driven away and raped (98 Ariz. at 21–22). Her first police report described the car as an "old model, possibly 1955 Chevrolet or Ford" (104 Ariz. at 176). About a week later her brother-in-law saw a similar car, identified it as a 1953 Packard, and gave police a plate number. The plate led to a car registered to Mrs. Twila Hoffman, and from there to Miranda (104 Ariz. at 177).

The questioning. The Supreme Court found that on March 13, 1963, Miranda "was arrested at his home and taken in custody to a Phoenix police station. He was there identified by the complaining witness. The police then took him to 'Interrogation Room No. 2' of the detective bureau" (384 U.S. at 491). "The officers

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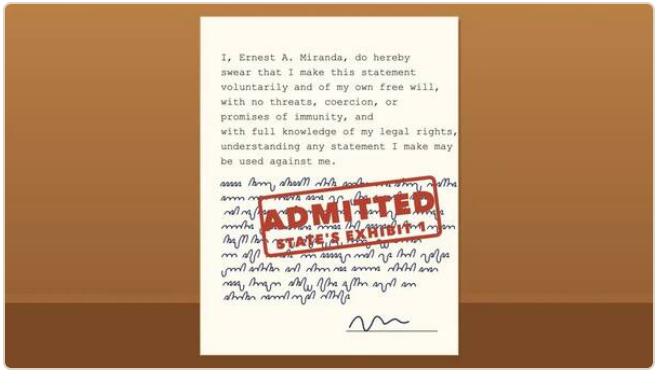
admitted at trial that Miranda was not advised that he had a right to have an attorney present" (*id.*). Two hours later the officers came out with a signed confession. A typed paragraph at its top said it was made "with full knowledge of my legal rights, understanding any statement I make may be used against me." (*id.* at 491–492). One officer testified that he read that paragraph to Miranda: "Apparently, however, he did not do so until after Miranda had confessed orally" (*id.* at 492 n.67). The statement was "partly typed and partly in his own handwriting" (98 Ariz. at 22). The officers were Detective Carroll Cooley and Officer Wilfred M. Young, who signed the statement as a witness (98 Ariz. at 25–26, 28).

A different account on the retrial record. The 1969 Arizona opinion says the officers asked Miranda to come to the station, and "The defendant acceded to this request and went with the officers at about 11:30 a.m. This was on March 13, 1963." (104 Ariz. at 177). The victim could not positively identify him in a lineup. Officers then told him she had identified him, and he confessed (*id.* at 177–178). "At 1:30, in the afternoon, the defendant was formally arrested for kidnapping, rape and failure to register as an ex-convict." (*id.* at 178).

The first trial. Trial was held June 20, 1963 (98 Ariz. at 25). The written confession came in over defense objection, and the officers described the oral confession. Miranda was convicted of kidnapping and rape and sentenced to 20 to 30 years on each count, to run concurrently (384 U.S. at 492; 98 Ariz. at 21).

The companions (384 U.S. at 493–499). *Vignera*: questioned by a detective and then by an assistant district attorney, whose transcript "contains no statement of any warnings" (at 493); sentenced to 30 to 60 years. *Westover*: questioned by Kansas City police overnight, then by FBI agents in the same station, who warned him only at the start of their own session; sentenced to 15 years on each of two counts, consecutively. *Stewart*: questioned nine times over five days in Los Angeles; sentenced to death; the California Supreme Court reversed.

Procedural history



Slide 9: Trial, June 1963 · Watch this part (3:35)

1. **Maricopa County Superior Court (June 1963).** Convicted and sentenced to 20–30 years on each count, concurrently (98 Ariz. at 21, 25).
2. **Arizona Supreme Court, 98 Ariz. 18 (April 22, 1965).** Affirmed (McFarland, J.). The court read *Escobedo* as turning on a denied request for counsel and held: "We hold that a confession may be admissible when made without an attorney if it is voluntary and does not violate the constitutional rights of defendant." (98 Ariz. at 36). Alvin Moore appeared for Miranda (*id.* at 21).

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3. **U.S. Supreme Court, 384 U.S. 436 (June 13, 1966).** Reversed, 5–4: "the judgments of the Supreme Court of Arizona in No. 759, of the New York Court of Appeals in No. 760, and of the Court of Appeals for the Ninth Circuit in No. 761 are reversed. The judgment of the Supreme Court of California in No. 584 is affirmed." (384 U.S. at 499).
4. **Retrial.** The confession was not used. The judge excluded the victim's lineup identification as a "fruit" of the illegal confession but admitted Mrs. Hoffman's testimony that Miranda had confessed to her during a jail visit on March 16, 1963 (104 Ariz. at 179). Miranda was convicted and again sentenced to 20–30 years (uscourts.gov).
5. **Arizona Supreme Court, 104 Ariz. 174 (February 6, 1969; rehearing denied March 11, 1969).** Affirmed (Molloy, J., Court of Appeals, sitting). The court held that "there was a sufficient 'break in the stream of events' between the confession to the police and the confession to Mrs. Hoffman, to justify the court in admitting this testimony." (104 Ariz. at 183). Frank, Flynn and Paul G. Ulrich appeared for Miranda (*id.* at 176).

The question presented



Slide 8: The real question · Watch this part (3:12)

The cases concern "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" (384 U.S. at 439). In short: does the privilege against compelled self-incrimination apply in the police station, and if so, what must police do before a confession can be used?

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The holding and the rule



Slide 14: The four warnings · Watch this part (6:45)

> "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." — 384 U.S. at 444

> "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." — 384 U.S. at 444

> "He must be warned 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." — 384 U.S. at 479

> "But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him." — 384 U.S. at 479

Waiver. "The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently." (at 444). The government bears "a heavy burden" (at 475), and "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." (*id.*).

Invocation. If the person indicates "that he wishes to remain silent, the interrogation must cease." (at 473–474). "If the individual states that he wants an attorney, the interrogation must cease until an attorney is present." (at 474).

Applied to Miranda. "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." (at 492).

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The reasoning, step by step



Slide 12: Pressure without force · Watch this part (5:15)

1. Custody brings its own pressure. "Again we stress that the modern practice of in-custody interrogation is psychologically rather than physically oriented." (384 U.S. at 448). The four cases shared "incommunicado interrogation of individuals in a police-dominated atmosphere, resulting in self-incriminating statements without full warnings of constitutional rights." (at 445). "This atmosphere carries its own badge of intimidation. To be sure, this is not physical intimidation, but it is equally destructive of human dignity." (at 457).

2. The privilege reaches the station house. The privilege rests on "the respect a government . . . must accord to the dignity and integrity of its citizens." (at 460). "without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely." (at 467).

3. Building on Escobedo. The Court reaffirmed *Escobedo v. Illinois*, 378 U.S. 478 (1964) (384 U.S. at 442). *Escobedo* had held, on its facts, "that when the process shifts from investigatory to accusatory" the accused must be allowed to consult his lawyer (378 U.S. at 492).

4. A bright line. A suspect "must first be informed in clear and unequivocal terms that he has the right to remain silent." (384 U.S. at 467–468). Courts will not guess what a suspect already knew, because a warning is "a clearcut fact" (at 469). And "the right to have counsel present at the interrogation is indispensable to the protection of the Fifth Amendment privilege under the system we delineate today." (at 469). Indigent suspects must be told that a lawyer will be appointed (at 472–473).

5. Room for reform. "Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect." (at 467). Other procedures that are "at least as effective" would do (*id.*).

6. Limits. "In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible." (at 478). "General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding." (at 477). "Volunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today." (at 478).

7. Workable for police. Citing FBI practice and the experience of other countries, the Court concluded that the rule "should not cause an undue interference with a proper system of law enforcement" (syllabus, 384

U.S. at 437; discussion at 479–491).

Dissents



Slide 16: The dissents · Watch this part (7:40)

Justice Clark (dissenting in Nos. 759–761; concurring in the result in No. 584): "I am unable to join the majority because its opinion goes too far on too little, while my dissenting brethren do not go quite far enough." (384 U.S. at 499). He would have used a totality test, in which "the burden would be on the State to prove that counsel was knowingly and intelligently waived or that in the totality of the circumstances, including the failure to give the necessary warnings, the confession was clearly voluntary." (at 503).

Justice Harlan, joined by Stewart and White: "I believe the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large." (at 504). "The social costs of crime are too great to call the new rules anything but a hazardous experimentation." (at 517).

Justice White, joined by Harlan and Stewart: the rule "has no significant support in the history of the privilege or in the language of the Fifth Amendment." (at 526). "In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him." (at 542).

Doctrine map

Stage	Case	What it added
Coerced confessions (due process)	*Brown v. Mississippi*, 297 U.S. 278 (1936)	"The rack and torture chamber may not be substituted for the witness stand." (at 285–286)
Counsel at trial	*Gideon v. Wainwright*, 372 U.S. 335 (1963)	Sixth Amendment trial right; cited in *Miranda* on indigent suspects (384 U.S. at 473)
Counsel in the station house	*Escobedo v. Illinois*, 378 U.S. 478 (1964)	A requested lawyer denied during accusatory questioning violated the Sixth Amendment, on those facts (at 490–492)
Warnings rule	***Miranda v. Arizona*, 384 U.S. 436 (1966)**	Custody + interrogation → warnings and a valid waiver, or the statement is out
Impeachment	*Harris v. New York*, 401 U.S. 222 (1971)	Trustworthy unwarned statements may impeach a testifying defendant (at 224–226)

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Stage	Case	What it added
Fruits	*Michigan v. Tucker*, 417 U.S. 433 (1974); *Oregon v. Elstad*, 470 U.S. 298 (1985)	Limits on excluding the fruits of unwarned statements (as described in *Vega*, slip op. at 8–9)
Public safety	*New York v. Quarles*, 467 U.S. 649 (1984)	Questions prompted by a threat to public safety may come before warnings (at 655–657)
Constitutional status	*Dickerson v. United States*, 530 U.S. 428 (2000)	Congress cannot override *Miranda* by statute (18 U.S.C. § 3501)
Physical fruits	*United States v. Patane*, 542 U.S. 630 (2004)	No suppression of physical evidence found through a voluntary unwarned statement (plurality, at 634–637)
Waiver by conduct	*Berghuis v. Thompkins*, 560 U.S. 370 (2010)	Silence alone does not invoke the right; an understood warning followed by an uncoerced answer can be an implied waiver (at 381–384)
Remedies	*Vega v. Tekoh*, 597 U.S. 134 (2022)	A *Miranda* violation alone does not support a damages claim under 42 U.S.C. § 1983

The test. (1) Custody: was the person in custody or "otherwise deprived of his freedom of action in any significant way"? (2) Interrogation: was the questioning "initiated by law enforcement officers"? (3) Warnings: were they given, or a fully effective equivalent? (4) Waiver: voluntary, knowing and intelligent? (5) Invocation: did questioning stop when the person asked for silence or a lawyer? (6) Exceptions: impeachment, public safety, physical fruits, and the limits on remedies.

What happened next



Slide 17: Winning did not free him · Watch this part (8:46)

Congress. "Two years after Miranda was decided, Congress enacted § 3501" (530 U.S. at 435). The statute was enacted June 19, 1968 (Pub. L. 90-351) and provides that "a confession, as defined in subsection (e) hereof, shall be admissible in evidence if it is voluntarily given." (18 U.S.C. § 3501(a)). In Dickerson's own case, a divided Fourth Circuit panel held that the statute, not *Miranda*, controlled (166 F.3d 667 (4th Cir. 1999); described at 530 U.S. at 432).

Dickerson (2000). "We hold that Miranda, being a constitutional decision of this Court, may not be in effect overruled by an Act of Congress, and we decline to overrule Miranda ourselves." (530 U.S. at 432). "Miranda has become embedded in routine police practice to the point where the warnings have become part of our national culture." (at 443). "In sum, we conclude that Miranda announced a constitutional rule that Congress

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may not supersede legislatively." (at 444). Justice Scalia, dissenting, objected to a claimed power to impose "prophylactic" rules: "That is an immense and frightening antidemocratic power, and it does not exist." (at 446).

Exceptions. *Harris*: "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." (401 U.S. at 226). *Quarles*, a gun hidden in an A & P supermarket (467 U.S. at 652): "We conclude that the need for answers to questions in a situation posing a threat to the public safety outweighs the need for the prophylactic rule protecting the Fifth Amendment's privilege against self-incrimination." (at 657). *Patane* (plurality): "The Miranda rule is not a code of police conduct, and police do not violate the Constitution (or even the Miranda rule, for that matter) by mere failures to warn." (542 U.S. at 637). *Berghuis*: "Where the prosecution shows that a Miranda warning was given and that it was understood by the accused, an accused's uncoerced statement establishes an implied waiver of the right to remain silent." (560 U.S. at 384).

Vega v. Tekoh (2022). A sheriff's deputy questioned a hospital worker without warnings. His statement was used at a trial that ended in acquittal, and he then sued under § 1983 (slip op., syllabus at 1). "The question we must decide is whether a violation of the Miranda rules provides a basis for a claim under §1983. We hold that it does not." (slip op. at 4). "Because a violation of Miranda is not itself a violation of the Fifth Amendment, and because we see no justification for expanding Miranda to confer a right to sue under §1983, the judgment of the Court of Appeals is reversed" (slip op. at 16). The majority pointed to suppression at trial as the remaining protection (slip op. at 14–15). Justice Kagan dissented: "It holds that Miranda is not a constitutional right enforceable through a §1983 suit. And so it prevents individuals from obtaining any redress when police violate their rights under Miranda." (dissent, slip op. at 1). "Today, the Court strips individuals of the ability to seek a remedy for violations of the right recognized in Miranda." (*id.* at 6). *Vega* left the exclusionary rule in place. Commentators disagree about what it means for *Dickerson*'s "constitutional rule" (see Further reading).

Common myths vs the record

Myth	Record
Miranda walked free.	He was retried without the confession, convicted, and the conviction was affirmed (104 Ariz. 174).
The Court found him innocent, or found the confession false.	The Court ruled only on admissibility (384 U.S. at 491–492).
He never had a lawyer.	Counsel objected for him at trial (384 U.S. at 492), and Alvin Moore argued his appeal (98 Ariz. at 21). The missing lawyer was the one in the interrogation room.
No warning means the case is dismissed.	The remedy is exclusion of the statement, with exceptions. Other evidence can still convict, as Miranda's own retrial showed.
Police must read you your rights at arrest.	The trigger is custodial interrogation (384 U.S. at 444). Volunteered statements and on-the-scene questioning are not covered (at 477–478).
Staying silent invokes your rights.	Invocation must be unambiguous (*Berghuis*, 560 U.S. at 381–382).
You can sue an officer for skipping the warnings.	Not under § 1983 for a *Miranda* violation alone (*Vega*, slip op. at 4, 16).

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Study questions

1. What are the four warnings, and where does the Court summarize them?
2. Define "custodial interrogation." Which two elements must both be present?
3. Why did the typed clause on Miranda's statement fail as a waiver?
4. How did Arizona read *Escobedo* in 1965, and why did the Supreme Court disagree?
5. How does Justice Clark's dissent differ from Justice Harlan's?
6. Why must indigent suspects be told that a lawyer will be appointed?
7. How was Miranda convicted again, and why was Mrs. Hoffman's testimony admitted?
8. *Dickerson* calls *Miranda* a constitutional rule, while *Patane* and *Vega* call its rules prophylactic. Can both be right?
9. *Harris* or *Quarles*: which limits the remedy, and which limits when warnings are required?
10. Does *Vega* weaken *Miranda* in practice, or only close off one remedy?

Hypothetical A. After a crash, an officer at the roadside asks a driver what happened, and the driver admits drinking. Later, handcuffed at the station and without warnings, the driver is asked again. Which statement does *Miranda* reach (384 U.S. at 444, 477–478)?

Hypothetical B. After warnings, a suspect sits silent for two hours and then answers one question. At trial he testifies and contradicts that answer. Can the prosecution use the answer in its main case? To impeach him (*Berghuis*; *Harris*)?

Remember

1. Miranda v. Arizona, 384 U.S. 436 (1966), 5–4, Warren, C.J.
2. Trigger: custodial interrogation, meaning custody plus questioning initiated by police.
3. Four warnings before questioning: silence, use in court, lawyer present, appointed lawyer if poor.
4. Waiver must be voluntary, knowing and intelligent. The State carries a heavy burden, and silence is not waiver.
5. If the person invokes silence, questioning stops. If he asks for a lawyer, it stops until one is present.
6. Remedy: the statement is excluded. A retrial on other evidence is allowed (Miranda was convicted again).
7. Later limits: Harris (impeachment), Quarles (public safety), Patane (physical fruits), Berghuis (invoke clearly), Vega (no § 1983 claim).
8. Dickerson (2000): it is a constitutional rule that Congress cannot override.

Slides, the quiz and the episode: gameoflawsuits.com/cases/miranda.html

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Sources

The sources these notes were checked against.

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Test yourself

8 questions. The answers are on the last page.

1. **Which situation triggers the Miranda warnings?**
   - **A.** Any conversation between a police officer and a suspect
   - **B.** Questioning initiated by police after the person is taken into custody
   - **C.** A statement a person volunteers before any questions
   - **D.** General on-the-scene questioning about a crime
2. **Miranda's statement began with a typed clause saying he had “full knowledge” of his legal rights. Why didn't that count as a waiver?**
   - **A.** The clause was typed, not handwritten
   - **B.** A form clause does not show a knowing and intelligent waiver of constitutional rights
   - **C.** Miranda had asked for a lawyer first
   - **D.** Waiver of Miranda rights is never allowed
3. **After warnings, a suspect says, “I want a lawyer.” What must happen?**
   - **A.** Police may keep asking about other crimes
   - **B.** Interrogation must stop until an attorney is present
   - **C.** Police must release the suspect
   - **D.** The suspect must repeat the request in writing
4. **How did Arizona convict Miranda again after the Supreme Court reversed?**
   - **A.** By reading the confession to a new jury
   - **B.** With Mrs. Hoffman's testimony that he confessed to her during a jail visit
   - **C.** With the victim's lineup identification
   - **D.** He pleaded guilty
5. **How did Justice Clark's position differ from the majority's?**
   - **A.** Clark joined the majority opinion in full
   - **B.** Clark would have used a totality-of-the-circumstances test, with the burden on the State
   - **C.** Clark wanted all confessions excluded
   - **D.** Clark thought the Fifth Amendment did not apply to states
6. **Which later case held that Congress cannot replace Miranda by statute?**
   - **A.** Harris v. New York
   - **B.** New York v. Quarles
   - **C.** Dickerson v. United States
   - **D.** Vega v. Tekoh

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7. **Which case limits WHEN warnings are required, rather than how an unwarned statement may be used?**

   A. Harris v. New York (impeachment)

   B. New York v. Quarles (public safety)

   C. United States v. Patane (physical fruits)

   D. Vega v. Tekoh (damages)

8. **After a crash, an officer at the roadside asks a driver what happened and the driver admits drinking. Later, handcuffed at the station and not warned, the driver is asked again and admits it again. Which statement does Miranda reach?**

   A. Both statements

   B. Only the roadside statement

   C. Only the station-house statement

   D. Neither, because the driver was not yet charged

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Answer key

1. **B. Questioning initiated by police after the person is taken into custody.** Custodial interrogation means questioning initiated by law enforcement after a person is in custody or otherwise significantly deprived of freedom (384 U.S. at 444). Volunteered statements and on-the-scene questioning are not covered. (Slide 13 in the slides.)
2. **B. A form clause does not show a knowing and intelligent waiver of constitutional rights.** The Court held the typed clause “does not approach the knowing and intelligent waiver required” (at 492). Waiver is allowed, but the State must prove it. (Slide 2 in the slides.)
3. **B. Interrogation must stop until an attorney is present.** “If the individual states that he wants an attorney, the interrogation must cease until an attorney is present” (at 474). (Slide 15 in the slides.)
4. **B. With Mrs. Hoffman's testimony that he confessed to her during a jail visit.** At the retrial the confession was not used and the lineup identification was excluded as a fruit. Mrs. Hoffman's testimony was admitted; the Arizona Supreme Court found a sufficient “break in the stream of events” (104 Ariz. at 183). (Slide 17 in the slides.)
5. **B. Clark would have used a totality-of-the-circumstances test, with the burden on the State.** Clark said the majority “goes too far on too little” while the other dissenters did “not go quite far enough,” and proposed a totality test with the burden on the State (at 499, 503). (Slide 16 in the slides.)
6. **C. Dickerson v. United States.** Dickerson v. United States, 530 U.S. 428 (2000), treated Miranda as a constitutional rule that 18 U.S.C. § 3501 could not override. (Slide 19 in the slides.)
7. **B. New York v. Quarles (public safety).** Quarles lets questions prompted by a threat to public safety come before the warnings. Harris, Patane and Vega limit the remedy instead. (Slide 18 in the slides.)
8. **C. Only the station-house statement.** Miranda reaches custodial interrogation (at 444). General on-the-scene questioning is not covered (at 477–478). The handcuffed station questioning is custody plus police questioning. (Slide 21 in the slides.)

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