

Dickerson v. United States (2000)

530 U.S. 428

In reaction to Miranda v. Arizona (1966), in which the Court held that certain warnings must be given before a suspect's statement made during custodial interrogation could be admitted in evidence, Congress enacted, as part of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §3501, which made the admissibility of such statements turn solely on whether they were made voluntarily. Charles Dickerson, who had been indicted for bank robbery and related federal firearms crimes, moved to suppress a statement he had made to the Federal Bureau of Investigation, on the ground that he had not received his "Miranda warnings" before being interrogated. When the U.S. district court granted his motion, the federal government took an interlocutory appeal to the Fourth Circuit Court of Appeals, which reversed. Although it acknowledged that Dickerson had not received his Miranda warnings, it held that §3501 was satisfied because his statement was voluntary. It concluded that Miranda was not a constitutional holding, and that, therefore, Congress could by statute have the final say on the admissibility question. The Supreme Court granted certiorari.

Opinion of the Court: Rehnquist, Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer.

Dissenting opinion: Scalia, Thomas.

THE CHIEF JUSTICE delivered the opinion of the Court.

In *Miranda v. Arizona* (1966), we held that certain warnings must be given before a suspect's statement made during custodial interrogation could be admitted in evidence. In the wake of that decision, Congress enacted 18 U.S.C. §3501 which in essence laid down a rule that the admissibility of such statements should turn only on whether or not they were voluntarily made. 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. We therefore hold that *Miranda* and its progeny in this Court govern the admissibility of statements made during custodial interrogation in both state and federal courts.

We begin with a brief historical account of the law governing the admission of confessions. Prior to *Miranda*, we evaluated the admissibility of a suspect's confession under a voluntariness test. The roots of this test developed in the common law, as the courts of England and then the United States recognized that coerced confessions are inherently untrustworthy.... Our decisions in *Malloy v. Hogan* (1964), and *Miranda* changed the focus of much of the inquiry in determining the admissibility of suspects' incriminating statements. In *Malloy*, we held that the Fifth Amendment's Self-Incrimination Clause is incorporated in the Due Process Clause of the Fourteenth Amendment and thus applies to the States. We decided *Miranda* on the heels of *Malloy*.

In *Miranda*, we noted that the advent of modern custodial police interrogation brought with it an increased concern about confessions obtained by coercion. Because custodial police interrogation, by its very nature, isolates and pressures the individual, we stated that "[e]ven without employing brutality, the 'third degree' or [other] specific stratagems, ... custodial interrogation exacts a heavy toll on individual liberty and trades on the weakness of individuals." We concluded that the coercion inherent in custodial interrogation blurs the line between

voluntary and involuntary statements, and thus heightens the risk that an individual will not be “accorded his privilege under the Fifth Amendment ... not to be compelled to incriminate himself.” Accordingly, we laid down “concrete constitutional guidelines for law enforcement agencies and courts to follow.” Those guidelines established that the admissibility in evidence of any statement given during custodial interrogation of a suspect would depend on whether the police provided the suspect with four warnings. These warnings (which have come to be known colloquially as “*Miranda* rights”) are: a suspect “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.”

Two years after *Miranda* was decided, Congress enacted §3501. That section provides, in relevant part:

“(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession ... shall be admissible in evidence if it is voluntarily given....

“(b) The trial judge in determining the issue of voluntariness shall take into consideration all the circumstances surrounding the giving of the confession, including (1) the time elapsing between arrest and arraignment of the defendant making the confession, if it was made after arrest and before arraignment, (2) whether such defendant knew the nature of the offense with which he was charged or of which he was suspected at the time of making the confession, (3) whether or not such defendant was advised or knew that he was not required to make any statement and that any such statement could be used against him, (4) whether or not such defendant had been advised prior to questioning of his right to the assistance of counsel; and (5) whether or not such defendant was without the assistance of counsel when questioned and when giving such confession.” ...

Given §3501’s express designation of voluntariness as the touchstone of admissibility, its omission of any warning requirement, and the instruction for trial courts to consider a nonexclusive list of factors relevant to the circumstances of a confession, we agree with the Court of Appeals that Congress intended by its enactment to overrule *Miranda*. Because of the obvious conflict between our decision in *Miranda* and §3501, we must address whether Congress has constitutional authority to thus supersede *Miranda*. If Congress has such authority, §3501’s totality-of-the-circumstances approach must prevail over *Miranda*’s requirement of warnings; if not, that section must yield to *Miranda*’s more specific requirements....

This case ... turns on whether the *Miranda* Court announced a constitutional rule or merely exercised its supervisory authority to regulate evidence in the absence of congressional direction. Recognizing this point, the Court of Appeals surveyed *Miranda* and its progeny to determine the constitutional status of the *Miranda* decision. Relying on the fact that we have created several exceptions to *Miranda*’s warnings requirement and that we have repeatedly referred to the *Miranda* warnings as “prophylactic,” *New York v. Quarles* (1984), and “not themselves rights protected by the Constitution,” *Michigan v. Tucker* (1974), the Court of Appeals concluded that the protections announced in *Miranda* are not constitutionally required.

We disagree with the Court of Appeals’ conclusion, although we concede that there is language in some of our opinions that supports the view taken by that court. But first and foremost of the factors on the other side—that *Miranda* is a constitutional decision—is that both

Miranda and two of its companion cases applied the rule to proceedings in state courts—to wit, Arizona, California, and New York....

The *Miranda* opinion itself begins by stating that the Court granted *certiorari* “to explore some facets of the problems ... of applying the privilege against self-incrimination to in-custody interrogation, and to give concrete constitutional guidelines for law enforcement agencies and courts to follow.” In fact, the majority opinion is replete with statements indicating that the majority thought it was announcing a constitutional rule. Indeed, the Court’s ultimate conclusion was that the unwarned confessions obtained in the four cases before the Court in *Miranda* “were obtained from the defendant under circumstances that did not meet constitutional standards for protection of the privilege.”

Additional support for our conclusion that *Miranda* is constitutionally based is found in the *Miranda* Court’s invitation for legislative action to protect the constitutional right against coerced self-incrimination. After discussing the “compelling pressures” inherent in custodial police interrogation, the *Miranda* Court concluded that, “[i]n order to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored.” However, the Court emphasized that it could not foresee “the potential alternatives for protecting the privilege which might be devised by Congress or the States,” and it accordingly opined that the Constitution would not preclude legislative solutions that differed from the prescribed *Miranda* warnings but which were “at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it.”

The Court of Appeals also relied on the fact that we have, after our *Miranda* decision, made exceptions from its rule in cases such as *New York v. Quarles* (1984), and *Harris v. New York* (1971). But we have also broadened the application of the *Miranda* doctrine in cases such as *Doyle v. Ohio* (1976), and *Arizona v. Roberson* (1988). These decisions illustrate the principle—not that *Miranda* is not a constitutional rule—but that no constitutional rule is immutable. No court laying down a general rule can possibly foresee the various circumstances in which counsel will seek to apply it, and the sort of modifications represented by these cases are as much a normal part of constitutional law as the original decision....

As an alternative argument for sustaining the Court of Appeals’ decision, the court invited *amicus curiae* contends that the section complies with the requirement that a legislative alternative to *Miranda* be equally as effective in preventing coerced confessions. We agree with the *amicus*’ contention that there are more remedies available for abusive police conduct than there were at the time *Miranda* was decided. But we do not agree that these additional measures supplement §3501’s protections sufficiently to meet the constitutional minimum. *Miranda* requires procedures that will warn a suspect in custody of his right to remain silent and which will assure the suspect that the exercise of that right will be honored. As discussed above, §3501 explicitly eschews a requirement of pre-interrogation warnings in favor of an approach that looks to the administration of such warnings as only one factor in determining the voluntariness of a suspect’s confession. The additional remedies cited by *amicus* do not, in our view, render them, together with §3501 an adequate substitute for the warnings required by *Miranda*.

... As discussed above, §3501 reinstates the totality test as sufficient. Section 3501 therefore cannot be sustained if *Miranda* is to remain the law.

Whether or not we would agree with *Miranda*'s reasoning and its resulting rule, were we addressing the issue in the first instance, the principles of *stare decisis* weigh heavily against overruling it now. While "*stare decisis* is not an inexorable command," particularly when we are interpreting the Constitution, "even in constitutional cases, the doctrine carries such persuasive force that we have always required a departure from precedent to be supported by some 'special justification.'" ... We do not think there is such justification for overruling *Miranda*. *Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture....

The disadvantage of the *Miranda* rule is that statements which may be by no means involuntary, made by a defendant who is aware of his "rights," may nonetheless be excluded and a guilty defendant go free as a result. But experience suggests that the totality-of-the-circumstances test which §3501 seeks to revive is more difficult than *Miranda* for law enforcement officers to conform to, and for courts to apply in a consistent manner....

In sum, we conclude that *Miranda* announced a constitutional rule that Congress may not supersede legislatively. Following the rule of *stare decisis*, we decline to overrule *Miranda* ourselves. The judgment of the Court of Appeals is therefore *reversed*.

MR. JUSTICE SCALIA, with whom MR. JUSTICE THOMAS joins, dissenting.

Those to whom judicial decisions are an unconnected series of judgments that produce either favored or disfavored results will doubtless greet today's decision as a paragon of moderation, since it declines to overrule *Miranda v. Arizona* (1966). Those who understand the judicial process will appreciate that today's decision is not a reaffirmation of *Miranda*, but a radical revision of the most significant element of *Miranda* (as of all cases): the rationale that gives it a permanent place in our jurisprudence.

Marbury v. Madison (1803), held that an Act of Congress will not be enforced by the courts if what it prescribes violates the Constitution of the United States. That was the basis on which *Miranda* was decided. One will search today's opinion in vain, however, for a statement (surely simple enough to make) that what 18 U.S.C. §3501 prescribes—the use at trial of a voluntary confession, even when a *Miranda* warning or its equivalent has failed to be given—violates the Constitution. The reason the statement does not appear is not only (and perhaps not so much) that it would be absurd, inasmuch as §3501 excludes from trial precisely what the Constitution excludes from trial, viz., compelled confessions; but also that Justices whose votes are needed to compose today's majority are on record as believing that a violation of *Miranda* is not a violation of the Constitution. And so, to justify today's agreed-upon result, the Court must adopt a significant new, if not entirely comprehensible, principle of constitutional law.... As I shall discuss in some detail, the only thing that can possibly mean in the context of this case is that this Court has the power, not merely to apply the Constitution but to expand it, imposing what it regards as useful "prophylactic" restrictions upon Congress and the States. That is an immense and frightening antidemocratic power, and it does not exist.

... *Miranda* was objectionable for innumerable reasons, not least the fact that cases spanning more than 70 years had rejected its core premise that, absent the warnings and an effective waiver of the right to remain silent and of the (thitherto unknown) right to have an attorney present, a statement obtained pursuant to custodial interrogation was necessarily the product of compulsion. Moreover, history and precedent aside, the decision in *Miranda*, if read as an explication of what the Constitution *requires*, is preposterous. There is, for example, simply no

basis in reason for concluding that a response to the very first question asked, by a suspect who already *knows* all of the rights described in the *Miranda* warning, is anything other than a volitional act. And even if one assumes that the elimination of compulsion absolutely requires informing even the most knowledgeable suspect of his right to remain silent, it cannot conceivably require the right to have counsel present. There is a world of difference, which the Court recognized under the traditional voluntariness test but ignored in *Miranda*, between compelling a suspect to incriminate himself and preventing him from foolishly doing so of his own accord. Only the latter (which is not required by the Constitution) could explain the Court's inclusion of a right to counsel and the requirement that it, too, be knowingly and intelligently waived. Counsel's presence is not required to tell the suspect that he need not speak; the interrogators can do that. The only good reason for having counsel there is that he can be counted on to advise the suspect that he should not speak.

What is most remarkable about the *Miranda* decision—and what made it unacceptable as a matter of straightforward constitutional interpretation in the *Marbury* tradition—is its palpable hostility toward the act of confession *per se*, rather than toward what the Constitution abhors, compelled confession. The Constitution is not, unlike the *Miranda* majority, offended by a criminal's commendable qualm of conscience or fortunate fit of stupidity.

For these reasons, and others more than adequately developed in the *Miranda* dissents and in the subsequent works of the decision's many critics, any conclusion that a violation of the *Miranda* rules *necessarily* amounts to a violation of the privilege against compelled self-incrimination can claim no support in history, precedent, or common sense, and as a result would at least presumptively be worth reconsidering even at this late date. But that is unnecessary, since the Court has (thankfully) long since abandoned the notion that failure to comply with *Miranda*'s rules is itself a violation of the Constitution.

As the Court today acknowledges, since *Miranda* we have explicitly, and repeatedly, interpreted that decision as having announced, not the circumstances in which custodial interrogation runs afoul of the Fifth or Fourteenth Amendment, but rather only “prophylactic” rules that go beyond the right against compelled self-incrimination. Of course the seeds of this “prophylactic” interpretation of *Miranda* were present in the decision itself. In subsequent cases, the seeds have sprouted and borne fruit: The Court has squarely concluded that it is possible—indeed not uncommon—for the police to violate *Miranda* without also violating the Constitution.

Michigan v. Tucker (1974), an opinion for the Court written by then-Justice Rehnquist, rejected the true-to-*Marbury*, failure-to-warn-as-constitutional-violation interpretation of *Miranda*. It held that exclusion of the “fruits” of a *Miranda* violation—the statement of a witness whose identity the defendant had revealed while in custody—was not required.... The next year, in *Oregon v. Hass* (1975), the Court held that a defendant's statement taken in violation of *Miranda* that was nonetheless voluntary could be used at trial for impeachment purposes.... Nearly a decade later, in *New York v. Quarles* (1984), the Court relied upon the fact that “[t]he prophylactic *Miranda* warnings ... are 'not themselves rights protected by the Constitution'” to create a “public safety” exception.... The next year, the Court again declined to apply the “fruit of the poisonous tree” doctrine to a *Miranda* violation, this time allowing the admission of a suspect's properly warned statement even though it had been preceded (and, arguably, induced) by an earlier inculpatory statement taken in violation of *Miranda*. *Oregon v. Elstad* (1985).... In light of these cases, and our statements to the same effect in others, it is simply no longer possible for the Court to conclude, even if it wanted to, that a violation of *Miranda*'s rules is a

violation of the Constitution. But as I explained at the outset, that is what is required before the Court may disregard a law of Congress governing the admissibility of evidence in federal court. The Court today insists that the decision in *Miranda* is a “constitutional” one; that it has “constitutional underpinnings,” a “constitutional basis” and a “constitutional origin”; that it was “constitutionally based”; and that it announced a “constitutional rule.” It is fine to play these word games; but what makes a decision “constitutional” in the only sense relevant here—in the sense that renders it impervious to supersession by congressional legislation such as §3501—is the determination that the Constitution requires the result that the decision announces and the statute ignores. By disregarding congressional action that concededly does not violate the Constitution, the Court flagrantly offends fundamental principles of separation of powers, and arrogates to itself prerogatives reserved to the representatives of the people.

The Court seeks to avoid this conclusion in two ways: First, by misdescribing these post-*Miranda* cases as mere dicta. The Court concedes only “that there is language in some of our opinions that supports the view” that *Miranda*’s protections are not “constitutionally required.” It is not a matter of *language*; it is a matter of *holdings*. The proposition that failure to comply with *Miranda*’s rules does not establish a constitutional violation was central to the holdings of *Tucker*, *Hass*, *Quarles*, and *Elstad*.

The second way the Court seeks to avoid the impact of these cases is simply to disclaim responsibility for reasoned decision making. It says: “These decisions illustrate the principle—not that *Miranda* is not a constitutional rule—but that no constitutional rule is immutable. No court laying down a general rule can possibly foresee the various circumstances in which counsel will seek to apply it, and the sort of modifications represented by these cases are as much a normal part of constitutional law as the original decision.” The issue, however, is not whether court rules are “mutable”; they assuredly are. It is not whether, in the light of “various circumstances,” they can be “modified”; they assuredly can. The issue is whether, as mutated and modified, they must make sense. The requirement that they do so is the only thing that prevents this Court from being some sort of nine-headed Caesar, giving thumbs-up or thumbs-down to whatever outcome, case by case, suits or offends its collective fancy. And if confessions procured in violation of *Miranda* are confessions “compelled” in violation of the Constitution, the post-*Miranda* decisions I have discussed do not make sense. The only reasoned basis for their outcome was that a violation of *Miranda* is not a violation of the Constitution....

Finally, the Court asserts that *Miranda* must be a “constitutional decision” announcing a “constitutional rule,” and thus immune to congressional modification, because we have since its inception applied it to the States. If this argument is meant as an invocation of *stare decisis*, it fails because, though it is true that our cases applying *Miranda* against the States must be reconsidered if *Miranda* is not required by the Constitution, it is likewise true that our cases (discussed above) based on the principle that *Miranda* is *not* required by the Constitution will have to be reconsidered if it is. So the *stare decisis* argument is a wash. If, on the other hand, the argument is meant as an appeal to logic rather than *stare decisis*, it is a classic example of begging the question: Congress’s attempt to set aside *Miranda*, since it represents an assertion that violation of *Miranda* is not a violation of the Constitution, also represents an assertion that the Court has no power to impose *Miranda* on the States. To answer this assertion—not by showing why violation of *Miranda* is a violation of the Constitution—but by asserting that *Miranda* *does* apply against the States, is to assume precisely the point at issue. In my view, our continued application of the *Miranda* code to the States despite our consistent statements that

running afoul of its dictates does not necessarily—or even usually—result in an actual constitutional violation, represents not the source of *Miranda*’s salvation but rather evidence of its ultimate illegitimacy....

Today’s judgment converts *Miranda* from a milestone of judicial overreaching into the very Cheops’ Pyramid (or perhaps the Sphinx would be a better analogue) of judicial arrogance. In imposing its Court-made code upon the States, the original opinion at least *asserted* that it was demanded by the Constitution. Today’s decision does not pretend that it is—and yet still asserts the right to impose it against the will of the people’s representatives in Congress. Far from believing that *stare decisis* compels this result, I believe we cannot allow to remain on the books even a celebrated decision—*especially* a celebrated decision—that has come to stand for the proposition that the Supreme Court has power to impose extraconstitutional constraints upon Congress and the States. This is not the system that was established by the Framers, or that would be established by any sane supporter of government by the people.