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# Recent Developments: Dickerson v. United States: The Supreme Court's Holding in Miranda v. Arizona Was a Constitutional Decision That Cannot Be Overruled by an Act of Congress

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***Dickerson v. United States:***  
**The Supreme Court's Holding in *Miranda v. Arizona* Was a Constitutional Decision  
That Cannot be Overruled by an Act of Congress**

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By Christopher Mason

In a 7-2 decision authored by Chief Justice Rehnquist, the Supreme Court held in *Dickerson v. United States*, that its decision in *Miranda v. Arizona*, 384 U.S. 436 (1966), was a constitutional decision. 530 U.S. 428, 120 S. Ct. 2326, 147 L. Ed. 2d 405 (2000). Accordingly, the warnings promulgated by the Court in *Miranda*, along with the rules set forth by the Court in its progeny, are the lone factors to be considered when determining whether a statement made during custodial interrogation is admissible in either a federal or state trial. Consequently, Congress's attempt in 1968 to legislatively supersede *Miranda* by adopting 18 U.S.C., section 3501 ("section 3501") was improper.

Petitioner Charles Dickerson ("Dickerson") was indicted for bank robbery and other related crimes in violation of specific provisions of Title 18 of the United States Code. Prior to trial, Dickerson moved to suppress a statement he had made to FBI agents. Dickerson claimed the agents had not read him his *Miranda* rights prior to beginning their interrogation. The district court granted Dickerson's motion and suppressed the statement. The Government took an interlocutory

appeal to the United States Court of Appeals for the Fourth Circuit, which reversed the district court's suppression order by a divided vote. While the court of appeals agreed that no *Miranda* warnings were given, it concluded that the provisions set forth in section 3501 were satisfied, and, therefore, Dickerson's statement was admissible in the government's case-in-chief. Additionally, the court held that the majority opinion in *Miranda* was not a constitutional decision, and therefore could be overruled by a congressional enactment, namely section 3501. The Supreme Court granted certiorari to review the lower court's decision.

In rendering its decision, the Court began with a brief synopsis of how the law governing confessions has developed in this country. *Id.* at 2330. Initially, confessions were evaluated under a voluntariness test developed at common law, with the Court, over time, recognizing two constitutional bases for this voluntariness requirement: the Fifth Amendment protection against self-incrimination and the Due Process Clause of the Fourteenth Amendment. *Id.* As time passed, the Court began scrutinizing a defendant's confession under a totality of the circumstances

approach based almost exclusively on the notions of due process. *Id.* at 2330-31. Finally, in 1966, the Court promulgated "concrete constitutional guidelines for law enforcement agencies and courts to follow," in its historic *Miranda* decision. *Id.* at 2331 (quoting *Miranda v. Arizona*, 384 U.S. 436, 442 (1966)). However, two years later, presumably as a result of its disagreement with the stringent guidelines announced in the *Miranda* holding, Congress enacted section 3501, which allowed for the admissibility of a statement to be once again measured solely by its voluntariness through a totality of the circumstances approach. *Id.* at 2331-32.

Due to the obvious conflict between the Court's *Miranda* holding and section 3501, the Court determined that in order to reach a decision in the case at bar it must first focus on "whether Congress has constitutional authority to supersede *Miranda*." *Id.* The Court began its analysis by stating that it can prescribe rules of evidence and procedure that are binding on the federal courts as part of its supervisory authority over those tribunals. *Id.* (citing *Carlisle v. United States*, 517 U.S. 416, 426 (1996)). However, whether the

Supreme Court has the ultimate power to formulate these rules of procedure and evidence is dependent upon the very rules that are being prescribed. *Id.* at 2332-2333.

The Supreme Court can only create nonconstitutional rules of procedure and evidence in the absence of a relevant Act of Congress. *Id.* at 2332 (citing *Palmero v. United States*, 360 U.S. 343, 353 (1959)). Conversely, Congress may not legislatively supersede a Supreme Court decision interpreting and applying the Constitution. *Id.* Therefore, 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.” *Id.* at 2333.

In holding that *Miranda* is a constitutional decision, the Court relied on the fact that *Miranda* and two of its companion cases revolved around state, and not federal, court proceedings. *Id.* This is an important distinction because the Supreme Court does not hold supervisory power over state courts, as it does the federal court. *Id.* (citing *Smith v. Phillips*, 455 U.S. 209 (1982)). Therefore, when state court proceedings are involved, the Court’s authority is “limited to enforcing the commands of the United States Constitution.” *Id.* (quoting *Mu’Min v. Virginia*, 500 U.S. 415, 422 (1991)). Accordingly, *Miranda*’s application to the states signifies that the enforcement of constitutional provisions was the basis for the

decision. *Id.*

Next, the Court examined the language of the *Miranda* opinion itself, which is “replete with statements indicating that the majority thought it was announcing a constitutional rule.” *Id.* at 2334. In fact, this Court pointed to the beginning of the *Miranda* opinion itself which states “that the Court granted certiorari ‘...to give constitutional guidelines for law enforcement agencies and courts to follow.’” *Id.* at 2333-2334 (quoting *Miranda v. Arizona*, 384 U.S. 436, 441-442 (1966)).

Furthermore, the Supreme Court opined that the “*Miranda* Court’s invitation for legislative action to protect the constitutional right against coerced self-incrimination” also supports the conclusion that *Miranda* is a constitutionally based decision. *Id.* at 2334. According to the *Miranda* Court, legislative enactments that differ “from the prescribed *Miranda* warnings” are not precluded as long as they mirror those warnings. *Id.* The *Dickerson* Court, however, held that section 3501 is not an adequate substitute. *Id.* at 2335-2336. The Court concluded that section 3501’s return to the totality of the circumstances approach “cannot be sustained if *Miranda* is to remain law,” because it creates a “risk of overlooking an involuntary custodial confession.” *Id.* at 2335 (citing *Miranda v. Arizona*, 384 U.S. 436, 457 (1966)). This is a risk the *Miranda* Court found to be “unacceptably great” when the government offers the confession in its case-in-chief. *Id.* Additionally,

the fact that the Court has promulgated exceptions to the *Miranda* rule only proves that no constitutional rule is absolute. *Id.* at 2335.

Finally, the Court looked to the principles of stare decisis in affirming the 1966 *Miranda* decision. *Id.* at 2336. The Court held that this “doctrine carries such persuasive force” that it has “always required a departure from precedent to be supported by some ‘special justification.’” *Id.* (quoting *Payne v. Tennessee*, 501 U.S. 808, 828 (1991) (Souter, J., concurring); *Arizona v. Rumsey*, 467 U.S. 203, 212 (1984)). In the instant case, the Court concluded that there were no special justifications to warrant a reversal of *Miranda*. *Id.* In support of this conclusion, the Court opined that “*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture.” *Id.* Therefore, following the rule of stare decisis, the Court declined to overrule *Miranda*, and reversed the decision of the Court of Appeals for the Fourth Circuit.

The law in Maryland will be unaffected by the Court’s holding in *Dickerson*. In *Ball v. State*, the Court of Appeals of Maryland held that a confession can only be used as evidence at trial against the accused where the confession that was elicited was in conformance with Maryland non-constitutional law, the Due Process Clause of the Fourteenth Amendment, Article 22 of the Maryland Declaration of Rights, and the mandates of *Miranda*. *Ball*

v. *State*, 347 Md. 156, 174, 699 A.2d 1170 (1997), cert. denied, 522 U.S. 1082 (1998). Nothing in the Supreme Court's opinion in *Dickerson* overrules the precedent set forth by the court of appeals in *Ball*.

In fact, even a decision by the Supreme Court that section 3501 does supersede *Miranda* most likely would not have had a significant impact on Maryland law. Since section 3501 strictly applies to "any criminal prosecution brought by the *United States* or by the *District of Columbia*..." Maryland would obviously not be bound to adhere to section 3501. (emphasis added). Consequently, Maryland could formulate its own voluntariness test, and would most likely retain the simplicity of the bright-line test created by *Miranda* and adopted in *Ball*. This result seems logical given Maryland's more liberal stance regarding the protections afforded criminal defendants.