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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

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

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.