

Chapter 11: Close Up on Primary Sources

Miranda Rights and Congressional Power



In 2000 the Supreme Court ruled that a law Congress passed overturning the Miranda decision of 1966 was itself unconstitutional. In the Miranda ruling, the Court ruled that when a suspect makes a confession without the opportunity to consult a lawyer and without being advised of the right to remain silent, the suspect's right to due process is violated. This ruling limited the powers of the police to question suspects. Although Congress had passed the anti-Miranda law (known as Section 3501) in 1968, it had largely been ignored. It finally reached the Supreme Court in the 1999–2000 session.

Miranda: A Constitutional Right

Unlike other court rulings that have limited congressional power based on the States' rights clause of the Tenth Amendment, the ruling in this case, known as *Dickerson v. United States*, rests on individual rights granted elsewhere in the Constitution. Writing for the majority, Chief Justice William Rehnquist stated that the Miranda ruling was based on two amendments to the Constitution:

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.... Over time, our cases recognized two constitutional bases for the requirement that a confession be voluntary to be admitted into evidence: the Fifth Amendment right against self-incrimination and the due process clause of the Fourteenth Amendment.... We conclude that Miranda announced a constitutional rule that Congress may not supersede legislatively.

A Scathing Dissent

In his dissent, Justice Antonin Scalia argued that the law known as section 3501 did not in any way violate the Constitution. He claimed



When a suspect is arrested, he is read his Miranda rights by the police.

that the majority of the Court had “expanded” the Constitution to support Miranda and warned that this is “an immense and frightening antidemocratic power, and it does not exist.” Scalia believed that the Court overstepped its boundaries by entering into an area that is reserved for Congress:

By disregarding Congressional action that concededly does not violate the Constitution, the court flagrantly offends fundamental principles of separation of powers, and arrogates [takes without right] to itself prerogatives reserved to the representatives of the people.

Scalia concluded that the Court, in striking down section 3501, had asserted its own will “against the will of the people’s representatives in Congress.”

Questions for Discussion

1. Which amendments to the Constitution does Chief Justice Rehnquist cite as the bases for Miranda rights?
2. What fundamental principle of government does Justice Scalia claim the majority decision violates?