Miranda v. Arizona: Rebalancing Rights and Responsibilities

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Primary Sources:

"About the ACLU." American Civil Liberties Union. American Civil Liberties Union, n.d. Web. 18 Feb. 2014. <https://www.aclu.org/>. This website contained the mission statement of the ACLU, the party responsible for sponsoring Ernesto Miranda's trial at the Supreme Court. I learned from this source the goals and aims of the ACLU, and this information helps me better understand the reasons the ACLU took on Miranda's case. I included the current mission statement of the ACLU on my "Supreme Court" page.

Cagle, Daryl. "All of Them." Cartoon. Political Cartoons. PoliticalCartoons.com, 22 Apr. 2013. Web. 19 May 2014. In this 2013 cartoon, the cartoonist expresses his views that the Boston Bomber should be read his Miranda Rights. This cartoon demonstrates that the protections offered under Miranda v. Arizona are still being hotly debated and may still change in the future as the priorities of our nation change. The cartoon can be seen on my page “Miranda, Post 1966.”

Carroll Cooley. 1963. Maricopa Bar Association. Web. 17 May 2014. This is a 1963 picture of the Phoenix Police Officer, Carroll Cooley. Officer Cooley was the person who initially arrested Miranda for the March 1963 rape, and conducted the interrogation that yielded the confession that would later be deemed inadmissible. This photo put a face to the name "Carroll Cooley" who was referenced in so many sources regarding Miranda. This picture can be found on my page "Initial Proceedings."

Corbin offered some key insights into how the Phoenix Police Department (responsible for arresting Miranda) conducted the investigation, and how they reacted to the Miranda ruling immediately following the hearing. I quoted this interview in the pages "The Case" and "Public Reaction."

Davis, Andre. Telephone interview. 9 May 2014. This interview with Judge Andre Davis, a Senior Judge on the U.S. Court of Appeals for the Fourth Circuit, helped shed some light on the balance between rights of the people and responsibilities of the government and the responsibility of the government to ensure this balance is continually met. He spoke of the founding principles of the nation and how our nation has chosen to value protecting the innocent over convicting the guilty. I had previously conducted interviews with defense attorneys and prosecution attorneys, and it was an incredible opportunity to hear the perspective of a mediator of criminal cases, a judge. I took quotes and posted audio clips of our interview on the page “A Balance.”

Ernesto Miranda in Line-up. 1963. Arizona Central. Web. 31 Jan. 2014. This is a 1963 picture of Ernesto Miranda in a police line-up after his arrest for a March 1963 rape case. This helped me visualize the events between Miranda's arrest and initial court trial. This image can be seen on my page "The Case."

Ernesto Miranda Mug Shot. 1963. Constitution Center. Web. 31 Jan. 2014. This is a mug shot of Ernesto Miranda taken in 1963 after being arrested for a March 1963 rape. This helped me put a face to the defendant in Miranda v. Arizona, Ernesto Miranda. This photo can be found on my page "The Case."

Ernesto Miranda's Car. 1963. Blacktalk Radio. Web. 31 Jan. 2014. This is a picture of Ernesto Miranda' car. This photo helped me understand the nature of the kidnapping and rape that
Ernesto Miranda was prosecuted for in 1963 and helps to establish the timeframe of the case, *Miranda v. Arizona*. This image can be found on my page "The Case."

Graham, Fred P. "High Court Puts New Curb on Powers of the Police to Interrogate Suspects." *New York Times* 13 June 1966: n. pag. *New York Times*. Web. 3 Dec. 2013. This *New York Times* article was published just after the Miranda ruling. By reading the article I was able to understand how the public received the news of the Miranda ruling and how the press portrayed the ruling to the public. An image of the article can be found on my page "The Outcome."

Greene, Laura. E-mail interview. 5 Jan. 2014. Laura Greene is a practicing prosecution attorney who specializes in drug-related cases in the state of Virginia. Dealing with Miranda Rights is a routine in her profession. Ms. Greene was able to help me understand just how large of an impact Miranda had on most cases. She was also able to provide valuable insight as to the perspective of a prosecuting attorney (whose job is made harder by Miranda) on the rights guaranteed by *Miranda v. Arizona*. Her quotes can be found on my page "A Balance." Although Ms. Greene is one generation after the Supreme Court heard *Miranda v. Arizona* in 1966, I classified her interview as a primary source because she only discussed what impact Miranda has on her job today. She did not talk about the case itself.

Highsmith, Carol M. *U.S. Supreme Court building, Washington, D.C.* 1980. Photograph. Prints and Photographs Division. Lib. of Cong. This is a photo of the US Supreme Court Building. This photo helped me visualize the proceedings of *Miranda v. Arizona* when it reached the Supreme Court. This photo can be found on my page "The Arguments."

Innocence Project: Chris Ochoa. Innocence Project. Innocence Project, 2007. Web. 31 Jan. 2014. <http://www.innocenceproject.org/>. This interview reveals how a person who is wrongly accused of a crime might confess anyway. By studying the wrongly detained man's responses, I gained greater insight into why the protection of rights at the expense of some safety is necessary. This insight helped me write my thesis and also was a factor in my analysis of "A Balance." A segment of the video can be found on my page "A Balance."

John F. Kennedy 1963 Birmingham Speech. John F Kennedy Presidential Library and Museum. John F Kennedy Presidential Library and Museum, n.d. Web. 2 Feb. 2014. This audio file is a recording of President John F. Kennedy's speech in 1963 following the race riots in Birmingham. In it, Kennedy advocates social reform through means that do not involve police violence. This helped me understand the racial tensions of the 1960s (when Miranda v. Arizona was heard), and an excerpt of this speech can be viewed on my "The 1960s" page.

John Flynn with Ernesto Miranda. 1966. ACLU. Web. 31 Jan. 2014. This is a picture of John Flynn, who represented Miranda in the Miranda v. Arizona case, with Ernesto Miranda. This picture helped me put a face to Miranda's attorney, John Flynn. This picture can be viewed on the "Supreme Court" page.
Keller, Clyde. *Richard Nixon 1966*. 1966. Clyde Keller Fine Art Prints. Web. 20 May 2014. This 1966 image shows Richard Nixon, who was an outspoken critic against the Warren Court and the ruling in *Miranda v. Arizona*. This image helped put a face to the name of a public figure who was against Miranda. This image can be found on the page “Public Reaction.”


*Miranda v. Arizona*. No. 384 U.S. 436. Supreme Court of the United States. 13 June 1966. *Legal Information Institute*. 27 November 2013. This page contained the syllabus of the Miranda ruling. This page gave me an understanding of the effects of Miranda, and I used that information to describe what the ruling meant for police officers in my "The Ruling" page.

*Miranda v. Arizona*. No. 384 U.S. 436. Supreme Court of the United States. 13 June 1966. *Landmark Cases of the Supreme Court*. 27 November 2013. This page contained the full opinions (both assenting and dissenting) of the 1966 *Miranda v. Arizona* ruling. I was able to understand the reasons the court ruled in favor of Miranda. I was also able to see
some of the flaws of the ruling. I posted the full opinions on my pages "Assenting Opinion" and "Dissenting Opinion." The summaries of the court's opinions on the pages "Assenting Opinion" and "Dissenting Opinion" were based on the information provided in this source.

Nixon, Richard. "Towards Freedom From Fear." 1968. MS. This paper criticized the Warren Court’s decisions, including the one made in *Miranda v. Arizona*. The paper accused the decision in *Miranda v. Arizona* of being a direct threat to public safety. This paper thus taught me some of the fears people began to develop after the ruling in *Miranda v. Arizona*. An excerpt from the paper can be found on my page “Public Reaction.”

Oakes, Robert S. *Official portraits of the 1976 U.S. Supreme Court: Justice Potter Stewart.* 28 Jan. 1976. Lib. of Cong. *Library of Congress*. Web. 9 May 2014. This photo is a portrait of Supreme Court Justice Potter Stewart, one of the Justices presiding over *Miranda v. Arizona*. This photo helped put a name to the Justices who participated in *Miranda v. Arizona*. This picture can be found on my page "Dissenting Opinion."

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Obama, Barack. Interview by Charlie Rose. *The White House*. N.p., 16 June 2013. Web. 17 May 2014. This interview of Barack Obama by Charlie Rose discusses NSA and how it affects American privacy. I found this to be a modern day parallel of how the US is trying to achieve a balance between rights and responsibilities. A quote from this interview can be
found on the "Miranda, Post 1966" page to illustrate to readers how a new balance of rights and responsibilities is being reached today.

Officer, California Police. Telephone interview. 9 Jan. 2014. This telephone interview with a California police officer (unnamed by request of officer) shed some light on how Miranda affects the lives of police officers. The police officer had previously been a detective, and today, he continues to make arrests that often require him to provide detainees with their Miranda rights. Quotes from the interview can be seen on the "The Ruling" and "A Balance" pages. Although this police officer is one generation after the Supreme Court heard *Miranda v. Arizona* in 1966, I classified the officer’s interview as a primary source because he only talked about how Miranda rights influence his job present day. He did not talk about the case itself.


This photo is of the Maricopa Courthouse, the location of Ernesto Miranda's first hearing. The photo helped me visualize the Ernesto Miranda's 1963 trial. The photo can be seen on my "Initial Proceedings" page.

Oral Arguments for Miranda v. Arizona. *University of Minnesota*. University of Minnesota, n.d. Web. 31 Jan. 2014. This page contained the transcripts of the four oral arguments delivered in *Miranda v. Arizona*. I was able to learn the different positions on the topics as well as the thought process and concerns of the Supreme Court Justices. I summarized this information and also uploaded the text files of the transcripts in the "Arguments" page.

rights are not guaranteed. As Paine was a political activist who encouraged American's Revolution, I learned the importance of a balance between rights and responsibilities in any society. I used a quote from the book on my "Home" page to describe the relationship between rights and responsibilities in a democratic society. I classified this source as a primary source because in this book, Paine was defending ideals of the French Revolution, which was still taking place when this book was published.

Picture of Dzhokhar Tsarnaev. 2013. Business Insider. Web. 2 Feb. 2014. This is a picture of Dzhokhar Tsarnaev, the 2013 Boston Marathon bomber. Following his arrest, his Miranda rights were not invoked under the public safety exception clause under New York v. Quarles. The image helped me understand how Miranda continues to affect our lives today. This image can be seen on the "Case Descriptions" page.

Police Suppressing Race Demonstration. N.d. University of Texas. Web. 31 Jan. 2014. This picture shows a police force on the streets following a race riot. This helped me understand the high tensions between the police and protesting forces in the 1960s (when Miranda v. Arizona was heard). This image can be seen on my page "The 1960s."

Portrait of Earl Warren. 1 Jan. 1965. Getty Images. Image Collection. Web. 9 May 2014. This photo is a portrait of Supreme Court Justice Earl Warren, one of the Justices presiding over Miranda v Arizona. This photo helped put a face to the Justices who participated in Miranda v Arizona. This picture can be found on my page "Assenting Opinion."

Portrait of Hugo Black. N.d. Lib. of Cong. Image Collection. Web. 9 May 2014. This photo is a portrait of Supreme Court Justice Hugo Black, one of the Justices presiding over Miranda v Arizona. This photo helped put a face to the Justices who participated in Miranda v Arizona. This picture can be found on my page "Assenting Opinion."
Portrait of John Marshall Harlan II. 1960. The Collection of the Supreme Court of the United States. The Oyez Project at IIT Chicago-Kent College of Law. Web. 19 May 2014. This photo is a portrait of Supreme Court Justice John Harlan, one of the Justices presiding over 
Miranda v. Arizona. This photo helped put a face to the Justices who participated in 
Miranda v. Arizona. This picture can be found on my page "Dissenting Opinion."

Portrait of William Brennan. N.d. Lib. of Cong. Image Collection. Web. 9 May 2014. This photo is a portrait of Supreme Court Justice William Brennan, one of the Justices presiding over 
Miranda v. Arizona. This photo helped put a name to the Justices who participated in 
Miranda v. Arizona. This picture can be found on my page "Assenting Opinion."

Miranda v. Arizona. This photo helped put a face to the Justices who participated in 
Miranda v. Arizona. This picture can be found on my page "Assenting Opinion."

Portrait of Supreme Court Justice Tom Clark. N.d. Multimedia Library. Harvard Law School. Web. 5 Apr. 2014. This photo is a portrait of Supreme Court Justice Tom Clark, one of the Justices presiding over 
Miranda v. Arizona. This photo helped put a name to the Justices who participated in 
Miranda v. Arizona. This picture can be found on my page "Dissenting Opinion."

during the 1960s. A video clip from the documentary can be found on my page “The 1960s.”

Roberts, Hugh. Personal interview. 16 Jan. 2014. This in-person interview with Dr. Hugh Roberts, a former criminal defense attorney and a social science high school teacher at the time of Miranda, was able to provide valuable insight into how Miranda might change in the future and the reasons for those changes. He was also able to talk about the Warren Court and give some personal examples of how Miranda affected his job as a criminal defense attorney. His quotes can be viewed on the "The 1960s" and "Future of the Miranda" pages.

Sign Criticizing Earl Warren. N.d. PBS. Web. 2 Feb. 2014. This photo taught me certain public sentiment against then Supreme Court Chief Justice Earl Warren, who led a court that addressed many of the social issues of the 1960s. This source provides important context about the *Miranda v. Arizona* case, which was ultimately decided by the Supreme Court and can be viewed on the "The 1960s" page.


2013 Justices of Supreme Court. 2013. *NPR*. Web. 9 May 2014. This is a 2013 picture of all of the current US Supreme Court Justices (as of 5/19/14). These Justices presided over *Howes v. Fields* and may possibly alter the protections offered under Miranda in the future. The picture put faces to the names of the current Justices who may be responsible
for further changes to the legality of Miranda. This photo can be seen on the "Case Descriptions" page.


Washington: GPO, 1968. *Washington University Faculty: Dr. Quintard Taylor, Jr. Scott and Dorothy Bullitt Professor of American History.* Web. 18 Feb. 2014. The Kerner Report (1968) investigated the causes of race riots in 1960s. The report taught me that during that era, there was high tension between police forces and African-American citizens. I quoted the source on my page "The 1960s." This information was also included in the paragraphs under "A Calling for Racial Equality" on my page "The 1960s."

US Const. pmbl. *National Archives and Records Administration.* Web. 18 Feb. 2014. The preamble taught me the goals of the U.S. Constitution, whose values the Justices in *Miranda v. Arizona* tried to uphold. This helped me understand why Miranda is so important to our country. A quote from the preamble can be found on my page "A Balance."

Warren, Earl. Notes by Justice Warren during Miranda v. Arizona. 1966. *Library of Congress.* Web. 3 Dec. 2013. This is a picture of the notes of Earl Warren during the Miranda case. This helped me understand what the major arguments of Earl Warren were for supporting Miranda rights. This photo can be viewed on the page "Assenting Opinion."

The Warren Court. 1966. *PBS This Day in History.* Web. 31 Jan. 2014. This 1966 photo shows all of the Supreme Court Justices at the time. This image helped me put faces to the Supreme Court Justices responsible for the *Miranda v. Arizona* ruling. This image can be found on my page "The Ruling."
Secondary Sources:

Cassell, Paul G. *Handcuffing the Cops: Miranda’s Harmful Effects on Law Enforcement*. Dallas, Texas: NCPA, 1998. Print. These graphs use data provided by the FBI to describe changes in crime clearance rates before and after Miranda Rights. These charts taught me the impact to our society as a result of Miranda Rights after the original rights-responsibilities balance was disturbed. They also taught me how violent crimes and confession rates reached a steady state shortly after the Miranda Rights, indicating a new state of rights-responsibilities balance being reached. I used this as a part of my "A Balance" page to show the Miranda has affected the police's responsibility to keep the public safe by obtaining confessions from criminals.

Cover of George Orwell's 1984. N.d. [http://ctrlaltdeeleet.com/](http://ctrlaltdeeleet.com/). Web. 18 Feb. 2014. This book cover vividly reminded me of the book *1984*, which showed how oppressive a society could become when we place too much emphasis on responsibilities and not enough on rights. It helped me understand the importance of Miranda Rights. This photo of the cover image can be found on my "A Balance" page.

Criado, Andrew. E-mail interview. 7 Jan. 2014. A federal prosecutor in the state of Virginia who has studied extensively the practical application of law as well as the history of law, Mr. Criado was able to provide valuable insight to the overall impact of Miranda. Having studied many previous Supreme Court cases, Mr. Criado was able to more specifically compare and contrast the ruling in Miranda to other cases. I used his input to find some of the cases listed under "Miranda, Post 1966," and his quotes can be found on the pages "The 1960s," "The Ruling," and "Dissenting Opinion."
Edwards, George, et al. "Interrogation of Criminal Defendants—Some Views on Miranda v. Arizona." *Fordham Law Review* n. pag. *Fordham University*. Web. 6 Dec. 2013. This article contains the opinions of several people regarding the Miranda case including a district attorney, prosecutor, professor of law, and attorney general. Considering and weighing the opinions and substantiated claims in this source, I was able to gather the perspectives of many different people directly affected by the ruling. Their opinions were factored into my analysis on a balance between rights and responsibilities stemming from Miranda.

Inbau, Fred E. "Over-Reaction--The Mischief of Miranda v. Arizona." *Journal of Criminal Law and Criminology* 73.2 (1982): n. pag. Print. This article by the famed criminologist Fred Inbau, who was also a long term ally with police, describes the general fears within law enforcement about the Miranda Rights and its possible consequences after Miranda. This article helped me understand the perspective of the police on Miranda and how they had to change their policies in the years following Miranda. I quoted this article in "Public Reaction" to show the negative reactions from law enforcement in response to *Miranda v. Arizona*.

Irons, Peter. Interview by Bruce Collins. *C-Span*. National Cable Satellite, 2014. Web. 20 May 2014. This 1994 interview that was published online in 2014 features Peter Irons, an activist, civil rights attorney, and law professor. The interview illustrated the mundane nature of the original Miranda case even from the eyes of a civil rights activist. This helped me appreciate that many important historical events began as something simple but could mushroom into something significant if it could be connected to the
fundamentals of the stability of our society. I quoted him on my "The Case" page to emphasize the fact that the facts of the Miranda case were not particularly appalling.

Kassin, Saul M., and Rebecca J. Norwick. "Why People Waive Their Miranda Rights: The Power of Innocence." *Law and Human Behavior* 28.2 (2004): n. pag. Print. This article delves into reasons people confess to crimes they did not commit. The article talks about the coercive police tactics that make the innocent feel compelled to confess. I used the information to arrive at my conclusion of the importance of Miranda rights despite its restriction on the police to lock up criminals. This information was factored into my thesis and my page "A Balance."

*The Kerner Commission — 40 Years Later. Bill Moyer's Journal.* PBS, 2008. Web. 18 Feb. 2014. This 2008 documentary described the findings of the "Kerner Report." This video helped me understand the racial tensions of the 1960s (when *Miranda v. Arizona* was heard). The information provided was factored in my page "The 1960s," and a screenshot of this video can also be found on my page "The 1960s."

Kurtzman, Daniel. "Right to Remain Silent." Cartoon. *Political Humor.* Ed. Daniel Kurtzman. N.p., 2010. Web. 18 Feb. 2014. This political cartoon taught me that the protection of Miranda rights is constantly changing. It taught me that with today's debates over the rights of the people and responsibilities of the government, Miranda may very well change in the future. This cartoon can be viewed on my page "Miranda, Post 1966."

*Legal Information Institute.* Cornell University, n.d. Web. 31 Jan. 2014. I used this source to learn about many of the Supreme Court cases related to Miranda rights following the 1966 ruling. I used the subsequent rulings to assess how the protections offered under Miranda have changed since the 1966 ruling. These cases included *Howes v. Fields,*
Maryland v. Shatzer, Berghuis v. Thompkins, Missouri v. Seibert, Dickerson v. US, New York v. Quarles, Oregon v. Mathiason, and Beckwith v. US. My analysis from these cases can be seen on the "Miranda, Post 1966" page.

Quevedo, Ed. Telephone interview. 2 Dec. 2013. This interview was with Ed Quevedo, a professor of law at Mills College and former attorney. This interview was able to give me insights into the context of the Miranda Case (the 1960s) from the perspective of a law professor. An audio clip of the interview can be seen on the "The 1960s" page, and is intended to describe the racial tensions during the 1960s to readers.

Sonneborn, Liz. Miranda V. Arizona: The Rights of the Accused. New York: Rosen Publishing Group, 2004. Print. This book gives a broad overview on the story of Miranda Rights from the initial rape case to the Supreme Court ruling. I used this source to understand the initial proceedings regarding the Miranda case. The information gathered from this source can be seen on the "Initial Proceedings" page.


Toles, Tom. Cartoon. Washington Post [Washington]: n. pag. Miranda vs Arizona. Web. 18 Feb. 2014. This cartoon taught me some of the issues and misconceptions of the Miranda v. Arizona ruling. The cartoon pointed out ambiguous areas of Miranda that needed to be addressed in legal cases following Miranda. The cartoon can be found on my page "Miranda, Post 1966."
21 Jump Street Miranda Rights Scene. Youtube. Youtube, n.d. Web. 2 Feb. 2014. This clip is a short excerpt from the movie 21st Jump Street. This clip taught me how ubiquitous Miranda Rights are in today's culture. The very fact that Miranda is featured in mainstream movies shows how much Miranda is part of American culture today. The clip can be seen on my "Home" page.