

Miranda vs. arizona: changes and issues essays example

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Introduction

The Warren Court (1953-1968) saw a number of substantive changes in the area of individual rights and due process. Cases such as *Miranda v Arizona* and *Griswold v Connecticut* have enlarged the scope particularly of the Equal Protection Clause interpreted under the Warren Court. Before the dispensation of Chief Justice Earl Warren, the “reasonable basis test” was utilized for categorizing that do not involve racial or nationality factors, and the prior version did not view the importance of the state objective (National Paralegal College, 2007, p. 1).

Prior to the *Miranda* decision, the holding was that statements taken during interrogations, even without the protections of counsel as well as the conveyance of the rights of the suspects in these situations, were legal and thus admissible in court proceedings. The Arizona Supreme Court ruled that even without constitutional protections, the statements of *Miranda* were completely legal and can be used in court. The United States Supreme Court ruling was a substantive change in the prevailing procedure, deciding that even outside the setting of a criminal court, such as interrogations, that the suspect can still avail of the protections listed in the Fifth, and thus the statements taken outside of the ambit of the protections will be automatically inadmissible (United States Courts, n. d., p. 1).

However, there have been challenges to the practice of giving *Miranda* warnings to suspects. By jettisoning *Miranda*, the responsibility of clarifying the tenets of the Constitution will now rest with law enforcers instead of the courts. By strengthening the position of the ruling of *Miranda*, this would substantiate the rights of the Federal government in the area of due process

and advocate the position of Miranda as a symbolical principle that should be grafted into the conduct of the police and as a symbol of the responsibility of treating every member of society, even those accused of heinous crimes, must be given respect (Klein, 1994, p. 420).

References

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National Paralegal College (2007). " History of Equal Protection and the levels of review." Retrieved 23 June 2014 from