Dissenting Opinion, *Dickerson v. United States*, 2000

History and precedent aside, the decision in *Miranda*, if read as an explication of what the Constitution requires, is preposterous.

There is a world of difference ... between compelling a suspect to incriminate himself and preventing him from foolishly doing so of his own accord.

Preventing foolish (rather than compelled) confessions is likewise the only conceivable basis for the rules (suggested in *Miranda*...) that courts must exclude any confession elicited by questioning conducted, without interruption, after the suspect has indicated a desire to stand on his right to remain silent. ...The Constitution is not, unlike the *Miranda* majority, offended by a criminal’s commendable qualm of conscience or fortunate fit of stupidity.

Finally, I am not convinced ... that *Miranda* should be preserved because the decision occupies a special place in the “public’s consciousness.” As far as I am aware, the public is not under the illusion that we are infallible....

- In the 34 years following the *Miranda* decision, the Court was asked to decide 60 cases involving the rules it established. Why does this dissenting justice object to the rules established in *Miranda v. Arizona*?

- Do you think holdings should be preserved because they are firmly in the “public’s consciousness”? Why or why not?