stitutional rule grew to four.[345] Also, that *Miranda* may be rooted in the Constitution does not, according to the Court, mean that the precise articulation of the warnings in it is "immutable."[346]

Beyond finding that *Miranda* has, at the least, "constitutional underpinnings," the *Dickerson* Court also rejected a request to overrule *Miranda*. "Whether or not we would agree with *Miranda's* reasoning and its resulting rule, were we addressing the issue in the first instance," Chief Justice Rehnquist wrote for the seven-Justice majority, "the principles of *stare decisis* weigh heavily against overruling it now." There was no special justification for overruling the decision; subsequent cases had not undermined the decision's doctrinal underpinnings, but rather had "reaffirm[ed]" its "core ruling." Moreover, *Miranda* warnings had "become so embedded in routine police practice [that they] have become part of our national culture."[347]

As to the viability of *Miranda* claims in federal *habeas corpus* cases, the Court had suggested in 1974 that most claims could be disallowed,[348] but such a course was squarely rejected in 1993. The Court ruled in *Withrow v. Williams* that *Miranda* protects a fundamental trial right of the defendant, unlike the Fourth Amendment exclusionary rule addressed in *Stone v. Powell*,[349] and claimed violations of *Miranda* merited federal *habeas corpus* review because they relate to the correct ascertainment of guilt.[350] The purposes of

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[345] 564 U.S. ___, No. 09–11121, slip op. (2011) (Jusitces Alito, Scalia, Thomas and Chief Justice Roberts, dissenting).

[346] *See, e.g.*, Florida v. Powell, 559 U.S. ___, No. 08–1175, slip op. at 8, 12–13 (2010).

[347] 530 U.S. at 443.

[348] In Michigan v. Tucker, 417 U.S. 433, 439 (1974), the Court had suggested a distinction between a constitutional violation and a violation of "the prophylactic rules developed to protect that right." The actual holding in *Tucker*, however, had turned on the fact that the interrogation had preceded the *Miranda* decision and that warnings—albeit not full *Miranda* warnings—had been given.

[349] 428 U.S. 465 (1976).

[350] 507 U.S. 680 (1993). Even though a state prisoner's *Miranda* claim may be considered in federal *habeas* review, the scope of federal *habeas* review is narrow. Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), a state court judgment may be set aside on *habeas* review only if the judgment is found to be contrary to, or an unreasonable application of, clearly established Supreme Court precedent. By contrast, a federal court reviewing a state court judgment on direct review considers federal legal questions *de novo* and can overturn a state court holding based on its own independent assessment of federal legal issues. This difference in scope of review can be critical. *Compare* Yarborough v. Alvarado, 541 U.S. 652 (2004) (*habeas* petition denied because state court's refusal to take a juvenile's age into account in applying *Miranda* was not an unreasonable application of clearly established Supreme Court precedent), *with* J.D.B. v. North Carolina, 564 U.S. ___, No. 09–11121, slip op. (2011) (on the Court's *de novo* review of the age issue, state court's refusal to take a juvenile's age into account in applying *Miranda* held to be in error, and case remanded).