

You have the Right to Remain Silent.... Miranda v. Arizona (1966)



The case of *Miranda v. Arizona* reflects a change in criminal procedures that increased the protections of a person's rights under the Sixth Amendment of the constitution. It was a case that was made famous under the term of Supreme Court Justice Earl Warren.

Instructions: Read the attached summation of this Supreme Court case that requires suspects to be read their rights at time of arrest and answer the questions that follow.

The Supreme Court case of: *Miranda v. Arizona*

This case covers the events that took place in Phoenix, Arizona. Ernesto Miranda was an unemployed homeless person. He was also believed to have been mentally disturbed. In March 1963 he was charged with kidnapping and the rape of a young woman. He was arrested and taken to a local police station in Phoenix.

At the station he was put into a police line-up. The young woman who was kidnapped and raped identified him as the culprit. After the line-up was over Ernesto Miranda was questioned by two Phoenix police officers. The questioning lasted for two hours. At the end of the session the two officers had from Miranda a signed confession that he had abducted the young woman and raped her.

At his trial both of the police officers testified under oath that they had not told Miranda that he had the right to have an attorney present during his interrogation. The officers further stated that Miranda had verbally confessed to the crime before giving the written confession. At the top of this confession was a short paragraph stating that the suspect understood his rights and that the confession that followed was given by Miranda voluntarily.

During the trial, Miranda's attorney tried to have his confession ruled as inadmissible because of the statements made by the police officers that his client had not been advised that he was allowed a lawyer at the time of his questioning. The judge however, allowed the jury to hear his statement.

Miranda was found guilty of both kidnapping and rape. He was sentenced to 20 to 30 years in jail on both charges. These sentences were to be served concurrently, meaning that they were to be served at the same time.

The lawyers for Miranda began an appeal of his conviction in the Arizona State Supreme Court. Their case for appeal was based on the fact that his confessions were obtained illegally and were in fact a violation of his Fifth Amendment rights. The legal issues of the Fifth Amendment involve the protection of a person against self-incrimination. The law within the Fifth Amendment is explained in the Constitution when it states that: **"No person...shall be compelled in any criminal case to be witness against himself, not be deprived of life, liberty, or property without due process of the law..."**

The appeal in the Arizona State Supreme Court was given and the verdict was that Miranda's conviction was upheld, meaning that the original decision was valid. The lawyer for Miranda, still believing that his client has been unjustly tried under the law, filed for a **writ of habeas corpus** on his client's behalf. . This is when a court order is issued requiring that a person in custody be brought before a court so that a judge can determine the legality of keeping that person in jail.

The writ was issued and the next step was that the case went to the United States Supreme Court. They agreed to consider the records of the case because they had three other cases from different parts of the country in their possession that also dealt with the issue of the police using statements of suspects who had been questioned under similar circumstances. In all of these cases, the person in custody had been questioned without their lawyers being present.

A key component to the law and decision of the Supreme Court was a case that took place two years prior to this hearing. The case was *Escobedo v. Illinois*. A similar situation took place during this case. The court did not allow the admission of harmful evidence against Escobedo as it had been gained during his interrogation and he did not have a lawyer present during his questioning. In this case both Escobedo and his lawyer had repeatedly asked that a lawyer be present during the interrogation but the law officers refused these requests. It was only until the questioning had finished that a lawyer was allowed to speak to Escobedo.

In this case, the court ruled that the evidence was obtained unlawfully. They stated that it was indeed a violation of his rights under the Fifth Amendment. However both judges and law enforcement officers believed that the enforcement of this law to its fullest would hamper police investigations and make any case for a prosecutor more difficult to prove. In addition many police officers were unsure how this legal decision affected their rights as to advise suspects of their rights under the law.

The Supreme Court accepted the case and had to make a decision on the following:- **If the police do not tell a suspect of his or her rights at have an attorney present during questioning can a statement that was taken from the accused be admitted into evidence? Was that statement, under that person's Fifth Amendment rights a case of self-incrimination?**

The decision of the Supreme Court overturned the decision of the Arizona State court. The vote in the Supreme Court was 5 to 4 in favor of the decision. They stated that Miranda's confession had been obtained unlawfully. It should not have been allowed as evidence in his trial.

Once the decision was signed the case then had to be re-tried in the Arizona court, this time without the evidence taken during his illegal confession. The Supreme Court, led by Chief Justice Earl Warren, created new requirements, based on the rights contained within the Constitution that authorities must comply with. They were as follows:-

1. Before any questioning by the police can take place, a person must be advised of their right to remain silent
2. Anything that a suspect does say during his or her questioning may be used against them in a court of law
3. Any suspect has the given right to have an attorney present during their questioning by the authorities. In addition the attorney can be either one of the suspect's choice or an attorney that is retained by the government, e.g. legal aid.

4. Under the law a suspect has the right to waive the presence of an attorney during his questioning, provided that this is done on a voluntary basis and not under pressure or duress from the authorities.
5. If a suspect uses his right to have an attorney present then no questioning can begin until that attorney is present in the same room as the accused.
6. If a suspect has previously waived his right to an attorney, and the questioning has started, he is now allowed at any time, to refuse to answer any further questions until he has received legal advice from an attorney.

Even though the Supreme Court and Chief Justice Earl Warren had now created new rules for the authorities to follow, there were still the views of the four dissenting judges that voted against these changes. One of these judges, Justice John Marshall Harlan said:

“The new rules are not designed to guard against police brutality...Those who use third-degree tactics and deny them in court are equally able and destined to lie as skillfully about warnings and waivers. Rather, the thrust of the new rules is to negate all pressure, to reinforce the nervous or ignorant suspect, and ultimately to discourage any confession at all...”

According to Harlan, these new rules would eliminate confessions within the legal system. What Justice Warren created was a system where a suspect would never confess and these, he added, was putting society at risk because these criminals would be subsequently set free and repeat the same offenses as the law could no longer detain them.

Ernesto Miranda was re-tried in Arizona and convicted without the confession. Police departments across the nation ordered officers to carry cards called “Miranda Warnings” each with the first four items of the list printed on them.

Ironically, when Miranda was released on parole he traveled across the southwest autographing “Miranda Warning” cards for local police officers. These signing continued until Miranda was stabbed to death during a dispute during a card game.

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MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

Miranda Card

Name: _____

Answer the following questions in the spaces provided.

1. In your own words what was the issue brought before the Supreme Court?

2. What was important about the case two years earlier, Escobedo v. Illinois?

3. What was the effect of the decision in Miranda v. Arizona?

4. This is a personal opinion question, there is no right or wrong answer. In your opinion, do you think that the police should rely on confessions rather than using hard evidence? Explain your answer using specific examples to back up your statement.
