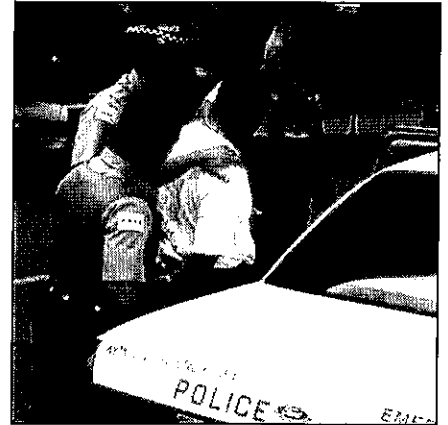


Miranda v. Arizona (1966)

Name: _____

You Have the Right to Remain Silent...

Ernesto Miranda was arrested for a violent crime in Phoenix, Arizona and was taken to a police station for questioning. Officers put him into an interrogation room, where they questioned him for two hours. They came out with a written confession Miranda had signed. The confession form included a typed paragraph saying the confession had been made voluntarily. The typed paragraph said Miranda had signed the confession "with full knowledge of my legal rights, understanding any statement I make may be used against me." Miranda's confession was used against him in court, and he was convicted of a serious crime.



The Argument

The 5th Amendment to the U.S. Constitution says that a person involved in a criminal case cannot be forced to be a witness against himself. In other words, only statements that are made voluntarily may be used. Miranda argued that his confession was not voluntary because he had not been told about his right to remain silent. He was also not told about his right to a lawyer under the 6th Amendment, so a lawyer was not present during the questioning. For these reasons, Miranda argued that his confession should not have been used in court.

ISSUE

Do the police need to inform a suspect of his 5th and 6th Amendment rights in order to use the suspect's confession at the trial?

DECISION

Yes, because this will prevent police from illegally forcing confessions from people.

The Decision

The Supreme Court agreed. It said that the 5th Amendment right to remain silent is so basic that it doesn't even matter if a person already knows about this right—the right is not safeguarded unless officers tell people about it before interrogation begins. The Court said this is especially true because the interrogation techniques used by law enforcement officers can be very intimidating.

The Court also said police must inform suspects of the right to have a lawyer present during the questioning. Technically, the right to a lawyer is a 6th Amendment right. But the Court said that a lawyer is absolutely necessary to protect a suspect's 5th Amendment right not to testify against himself or herself. That's because a lawyer can advise a suspect about what to say and what not to say during the questioning. Because Miranda's 5th Amendment right was violated, the Court reversed his conviction.



Chief Justice Earl Warren wrote the opinion for Miranda's case.

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?

So What?

The famous "Miranda warning" you hear on detective shows (and that officers recite in real life) came from this case. Now, if officers question you without reading your rights first, nothing you say during the questioning can be used against you in court. (Failing to read your rights does *not* mean your case will be automatically dismissed.) As for Miranda, he was put on trial a second time and convicted even without his confession.

Miranda v. Arizona (1966)

Name: _____

A. Why Must They Say That? The Miranda warning has several parts. The Supreme Court had many good reasons for requiring all these warnings. Read the list of reasons below. Decide which part of the warning each reason explains. Write the number of the warning next to each reason that explains it.

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 to have a lawyer 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.

This part of the *Miranda* warning is important because...



- _____ When seeking justice, officers must not take advantage of the fact that someone has a low income.
- _____ Some people might not know they have the right not to speak to the authorities.
- _____ Having a lawyer present during questioning helps protect a person's 5th Amendment right to remain silent.
- _____ A person needs to understand not just the basic right, but also the consequences of not exercising that right.
- _____ If at any point the person says they don't want to talk, any statement taken after that must have been forced.
- _____ Being reminded of this basic right makes a person less likely to give up their right if investigators make it seem like silence proves the person is guilty.
- _____ Someone could think the right to talk to a lawyer means only if you can afford to hire one.
- _____ It helps people realize the questioning is a stage of the legal system and officers are not on their side.
- _____ A lawyer can help make sure any statements made to law enforcement are accurately reported during a trial.
- _____ Telling someone the basic right up front lets the person know authorities recognize the right exists.

B. Justice at Any Cost? The Supreme Court quoted Viscount Sankey, Lord Chancellor of England from 1929 -1935, for the idea that it's not okay to get justice for a crime by committing a wrong act.



It is not admissible to do a great right by doing a little wrong. It is not sufficient to do justice by obtaining a proper result by irregular or improper means.

Do you agree with Lord Sankey and the Supreme Court?

Yes No

Write 2 sentences explaining your opinion:

1. _____

2. _____

John Sankey,
1st Viscount Sankey