

Teacher Tool 171: Constitution Day 2016

Program 1 Study Guide

Study Guide for Law 8: Constitution Day 2016: The Miranda Decision Program 1

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HEC-TV Live! Presents
Constitution Day 2016: The Miranda Decision
Sponsored by The Missouri Bar

Date: September 16, 2016
Grade Levels: 7-12

Program Description:

1963—Ernesto Miranda is arrested, suspected of the crimes of kidnapping and rape. He appears in a lineup, is identified by his victim, questioned by police, signs a confession, is prosecuted and found guilty. Miranda appeals his case to the Arizona Supreme Court, but his appeal is denied and the Arizona Court upholds his conviction.

1965—The United States Supreme Court agrees to hear Miranda's case and combines it with three similar cases dealing rights of suspects during police interrogation. Since Ernesto Miranda's case was listed first among the four cases considered by the Court, the Supreme Court comes to be known as *Miranda v. Arizona*.

1966—Inside the United States Supreme Court building, the nine justices of the Warren Court hear arguments that Miranda's confession was illegally obtained and should be overturned. After deliberating, the Court issues a 5-4 decision in favor of Miranda. Chief Justice Earl Warren, reading the majority decision of the Court states, "[A suspect] must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires." America's criminal justice system is forever changed.

2016 marks the 50th anniversary of the Supreme Court's landmark decision in *Miranda v. Arizona*. To commemorate that anniversary and celebrate the historic importance of the decision and its impact on American life, we invite you to view *Constitution Day 2016: The Miranda Decision*. The program content provides a thorough exploration of this historic Supreme Court decision. We investigate details of the case itself and the political, cultural, and legal forces that brought this issue before the Court. We explore the Constitutional concepts that were at issue. And we gauge the importance of the decision as we discuss its impact on American life at the time of its announcement and its continuing impact through the Miranda rights and related police procedures that function in our criminal justice system today. Related program materials include a Study Guide created by the Missouri Bar specifically for the program.

Panelists for the program include: Judge John Bodenhausen—U.S. Magistrate Judge, Eastern District of Missouri; Professor Frank Bowman—University of Missouri School of Law; Tim Anderson—former Missouri Assistant Attorney General.

Program Objectives:

Students will be able to:

1. Summarize the facts of the U.S. Supreme Court case, *Miranda v. Arizona* (1966).
2. Explain the legal issue(s) presented in this case.
3. Identify specific sections of the Constitution, Bill of Rights, Civil Rights laws or other laws that apply to this case.
4. Explain the duties of law enforcement officers regarding the reading/explaining of the Miranda Rights during the arrest process.
5. Explain the Exclusionary Rule and its relationship to *Miranda v. Arizona*.
6. Discuss what kind of impact *Miranda* might have on current laws.

Program Format:

Time codes are provided in blue to help you find specific segments in the program.

1. Welcome and Introduction—Student groups and experts are introduced and welcomed to the program. A general overview of program content is provided. (00:00 to 06:26)

Video Resources Included in this Segment:

Program Opening Video with Overview of the Miranda Case (00:00 to 01:06)

2. Historic Context of the Time—In this segment, we explore the social, political and legal context of the time in regard to police procedures and suspect rights. Topics include views of the 5th and 6th amendments at the time, examples of police procedures considered acceptable at the time, the power of confessions in a criminal proceeding, and court decisions that were creating changes in those procedures. Appropriate still images, videos, and graphics are included to supplement the conversation. (06:27 to 17:21)

Topic Breakdown with Time Codes:

Importance of Interrogations and Confessions in Criminal Proceedings and Supreme Court Views on Interrogations and Confessions at the time of the Miranda Case (06:27 to 15:54)

Basics of the Miranda Case and Why It Went to the Supreme Court (15:55 to 17:21)

Video Resources Included in this Segment:

The Power of Interrogation (12:27 to 13:53)

Interactive Student Questions in this Segment:

What defines interrogation legally? (at the 14:01 mark)

Why did the Arizona Supreme Court deny Miranda's appeal? (at the 16:27 mark)

3. Provisions of the Decision and Constitutional Concepts at Work— In this segment, we look at the Miranda decision itself, the rights it explicitly outlined, and explore the important constitutional concepts related to the decision including the fifth, sixth, and fourteenth amendments, nature of due process, and the exclusionary rule. We also look at the points of view in the dissent as well. Appropriate still images, videos, and graphics are included to supplement the conversation. (17:22 to 33:48)

Topic Breakdown with Time Codes:

Process for the Supreme Court to Accept a Case and the Miranda Case in Particular (17:22 to 19:44)

The State and Defense Positions In the Miranda Case as Argued at the Supreme Court (19:45 to 21:13)

Rights at Issue in the Case—5th, 6th, and 14th (21:14 to 23:15)

Basis of the Majority Opinion—Reasons for and Provisions of (23:16 to 27:34)

Basis of the Dissenting Opinions—Reasons for (27:35 to 29:23)

Impact of Decision on Miranda’s Case (Did he go free?) and Discussion of Supreme Court

Decisions on General Status of Any Case (29:24 to 31:19)

Importance of Applying Law Equally No Matter Who the Defendant Is (31:20 to 33:48)

Video Resources Included in this Segment:

The Two Sides in the Miranda Case (20:01 to 20:58)

Interactive Student Questions in this Segment:

Why would Miranda be freed after what he did, even though his rights weren’t read? (at the 29:38 mark)

4. Implications of the Decision—In this segment, we explore the implications and consequences of the decision by investigating its effect on police practices, attorney practices, and criminal trial procedures. We also discuss the current status of police and suspect interaction as well as subsequent Court decisions dealing with the issue and any modifications in police and criminal justice practice that resulted. Appropriate still images, videos, and graphics are included to supplement the conversation. (33:49 to 52:10)

Topic Breakdown with Time Codes:

Impact on Police Procedures and Police Response to the Decision (33:49 to 38:10)

Examining a Subsequent Supreme Court Case Dealing with Aspects of the Miranda Decision—

Arguing *Brewer v. Williams* (38:11 to 47:48)

Exceptions to the Miranda Rule Put in Place Subsequent to the Decision (47:49 to 50:00)

Impact of Miranda on Nature and Amount of Confessions (50:01 to 52:10)

5. Summary and Closing—We thank all involved in the program, answer final student questions, summarize the major Constitutional implications of the program’s discussion, and close the program. (52:11 to End of Program)

Topic Breakdown with Time Codes:

Discussion of Student Questions Related to the Miranda Case and to the Constitution in General—Please note specific questions below (52:11 to 59:01)

Interactive Student Questions in this Segment:

Has the Constitution always guided the country? (at the 52:11 mark)

Does the Constitution allow the President to make laws? (at the 52:39 mark)

Should anything be added to the Miranda Rights? (at the 53:37 mark)

Video Resources Included in this Segment:

Justice Hugo Black on the Miranda Decision (57:39 to 58:30)

Featured National and State Standards:

Missouri state standards are provided for Missouri schools since funding for this program comes from The Missouri Bar. (Missouri's civics standards are based on the *Civitas* national standard.)

Featured National Standards (Civics and Government):

Grades 5-12:

1. What are civic life, politics, and government?
 - C. What are the nature and purposes of constitutions?
2. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
3. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
 - D. What is the place of law in the American constitutional system?

Featured National Standards (History):

Grades 5-12:

Historical Thinking Standards

2. Historical Comprehension

F. Appreciate historical perspectives--(a) describing the past on its own terms, through the eyes and experiences of those who were there, as revealed through their literature, diaries, letters, debates, arts, artifacts, and the like; (b) considering the historical context in which the event unfolded--the values, outlook, options, and contingencies of that time and place; and (c) avoiding "present-mindedness," judging the past solely in terms of present-day norms and values.

4. Historical Research Capabilities

A. Formulate historical questions from encounters with historical documents, eyewitness accounts, letters, diaries, artifacts, photos, historical sites, art, architecture, and other records from the past.

B. Obtain historical data from a variety of sources, including: library and museum collections, historic sites, historical photos, journals, diaries, eyewitness accounts, newspapers, and the like; documentary films, oral testimony from living witnesses, censuses, tax records, city directories, statistical compilations, and economic indicators.

Featured Missouri Standards:

The Missouri Bar Constitution Day provides the content and teaching methodology, based upon inquiry instruction necessary to meet the Missouri Department of Elementary and Secondary Education's Show Me Standards, Course Level, and Grade Level Expectations (GLE) that complement the standards for several areas of social studies. Note: Only the goals, CLEs, and GLEs that are relevant to Constitution Day activities are included in this document. These standards are both from the Government and U.S. History standards.

Show Me Knowledge/Content Standards:

Social Studies 1—Principles expressed in the documents shaping democracy in the U.S.

Social Studies 3—Principles and process of governance systems.

Performance Process Standards:

- 1.2—Conduct research to answer questions and evaluate information and ideas.
- 3.6—Examine problems and proposed solutions from multiple perspectives.

Course Level Expectations/Depth of Knowledge

- 1-A 2
- 1-B 2
- 2-C 2
- 7-E 2

Program-Related Activity Suggestions:

1. Use the Missouri Bar Study Guide—A variety of pre-program activities are included in the Constitution Day Study Guide prepared by the Missouri Bar and are available for anyone’s use on our Educate.Today website as Teacher Tool 169: Missouri Bar 2016 Constitution Day Study Guide.

2. Think About the Reasoning of the Miranda Decision and Reasoning of the Dissenting Opinions—Utilizing resources of your own or the web links below, have students learn about Chief Justice Warren’s majority decision as well as additional concurring and dissenting opinions from other justices. Conduct a jigsaw activity with your students with different individuals or groups reading different opinions and sharing what they have learned with each other.

https://en.wikipedia.org/wiki/Miranda_v._Arizona

<https://www.oyez.org/cases/1965/759>

<http://caselaw.findlaw.com/us-supreme-court/384/436.html>

<http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-miranda-v-arizona>

<https://supreme.justia.com/cases/federal/us/384/436/>

<http://www.casebriefs.com/blog/law/criminal-procedure/criminal-procedure-keyed-to-israel/police-interrogation-and-confessions/miranda-v-arizona-2/>

3. Think About Precedents—Utilizing resources of your own or the web links below, have students learn about other Supreme Court decisions that had occurred before the Miranda Decision and impacted the Court’s thinking. Conduct a jigsaw activity with your students with different individuals or groups learning about different cases and sharing what they have learned with each other.

Escobedo v. Illinois (1964)—Statements made during interrogations where police denied defendants request to speak to his attorney were constitutionally invalid. If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel.

https://en.wikipedia.org/wiki/Escobedo_v._Illinois

<http://www.casebriefs.com/blog/law/criminal-procedure/criminal-procedure-keyed-to-israel/police-interrogation-and-confessions/escobedo-v-illinois/>

<http://caselaw.findlaw.com/us-supreme-court/378/478.html>

Chambers v. Florida (1940)—The Court recognized that coercion can be mental as well as physical.

https://en.wikipedia.org/wiki/Chambers_v._Florida

<http://caselaw.findlaw.com/us-supreme-court/309/227.html>

Bram v. U.S. (1897)—In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment... commanding that no person shall be compelled in any criminal case to be a witness against himself.

<http://www.lawschoolcasebriefs.net/2013/11/bram-v-united-states-case-brief.html>

<http://caselaw.findlaw.com/us-supreme-court/168/532.html>

Wan v. U.S. (1924)—A confession obtained by compulsion must be excluded whatever may have been the character of the compulsion.

<https://supreme.justia.com/cases/federal/us/266/1/>

<http://caselaw.findlaw.com/us-supreme-court/266/1.html>

Carnley v. Cochran (1962)—Where the assistance of counsel is a constitutional requisite, the right to be furnished counsel does not depend on a request.

<https://supreme.justia.com/cases/federal/us/369/506/>

<http://caselaw.findlaw.com/us-supreme-court/369/506.html>

Haynes v. Washington (1963)—The mere fact that a defendant signed a statement that contained a typed in clause stating that he had full knowledge of his legal rights does not approach the knowing and intelligent waiver required to relinquish constitutional rights. (And) Custodial interrogation has long been recognized as undoubtedly an essential tool in effective law enforcement.

<https://supreme.justia.com/cases/federal/us/373/503/>

<http://caselaw.findlaw.com/us-supreme-court/373/503.html>

Malloy v. Hogan (1964)—An admissible confession must be made by the suspect in the unfettered exercise of his own will.

https://en.wikipedia.org/wiki/Malloy_v._Hogan

<http://caselaw.findlaw.com/us-supreme-court/378/1.html>

Henry v. Mississippi (1965)—Waiver of constitutional rights by counsel despite defendant's ignorance are held allowable.

<https://supreme.justia.com/cases/federal/us/379/443/>

<http://caselaw.findlaw.com/us-supreme-court/379/443.html>

4. Think About the Fifth and Sixth Amendments—Have students read the text of the fifth and sixth amendments to the Constitution and discuss how those amendments are related to the Miranda Decision.

5. Think About Exceptions to the Miranda Rule—Utilizing resources of your own or the web links below, have students research and discuss court-recognized exceptions to the Miranda rule that allow for suspect statements to be used against them at trial. As a result of their research and discussion, what questions do your students have about the use of suspect statements in any of these circumstances? What questions do they have about police application of the Miranda rights

and use of the Miranda warning? Have students discuss those questions.

<http://www.nolo.com/legal-encyclopedia/statements-obtained-police-violate-miranda.html>
<http://www.nolo.com/legal-encyclopedia/the-emergency-exception-the-miranda-rule.html>
<http://www.nolo.com/legal-encyclopedia/the-public-safety-exception-miranda.html>
<http://www.nolo.com/legal-encyclopedia/the-booking-question-exception-miranda.html>

6. Insights Gained—Have students journal about new information they learned or a new insight they gained as a result of their participation in the program. If they wish, have students share their entries with each other. If students would like to share an insight with, or send a thank you to, any of the program’s panelists, you may e-mail them to us at live@hectv.org or mail them to us at HEC-TV, 3221 McKelvey Road, Suite 106, Bridgeton, MO 63044, Attention: Kristy Houle.

3. Learn More About the Topic— If you didn’t have the opportunity to complete all the pre-program activities in advance of the program, please use them to extend student learning after the program.

Vocabulary Words and Definitions:

The following terms and their definitions will be highlighted in the program and/or in the program’s preparatory materials:

Due Process
 Exclusionary Rule
 Precedent
 Self-Incrimination
 Stare Decisis

Supplemental Resources:

A variety of web resources and other supplementary materials are included in the Constitution Day Study Guide prepared by the Missouri Bar and are available for anyone’s use at www.mobar.org in the Educators’ section under Constitution Day. A copy of the Study Guide will also be e-mailed to all groups who register for the program in advance. Registration can occur via the Center for Interactive Learning and Collaboration website (<http://www.cilc.org>) and by e-mailing us directly at live@hectv.org.