

You Have the Right to Remain Silent Learning about the Miranda Rights

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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.

Background

(Partially from Streetlaw's Landmark Cases www.landmarkcases.org)

Although forced confessions have been frowned upon in both English American jurisprudence, the Miranda case institutionalized the illegality of such confessions and made it part of the criminal procedure landscape in the United States.

Ernesto Miranda was a poor man living in Phoenix, Arizona in 1963. A Phoenix woman was kidnapped and raped. She identified Miranda in a police lineup. Miranda was arrested, charged with the crimes, and questioned by the police for two hours. The police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination or of his Sixth Amendment right to the assistance of an attorney. The Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself. . . ." The Sixth Amendment states that, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense."

As a result of the questioning, Miranda confessed in writing to the crimes. His statement also said that he was aware of his right against self-incrimination. During his trial, the prosecution used his confession to obtain a conviction, and he was sentenced to 20 to 30 years in prison on each count.

Miranda appealed his case to the Arizona Supreme Court. His attorney argued that his confession should have been excluded from trial because he had not been informed of his rights, nor had an attorney been present during his interrogation. The police officers involved admitted that they had not given Miranda any explanation of his rights. The state argued, however, that because Miranda had been convicted of a crime in the past, he must have been aware of his rights. The Arizona Supreme Court denied Miranda's appeal and upheld his conviction.

In 1965, the Supreme Court of the United States agreed to hear Miranda's case. At the same time, the Court agreed to hear three similar cases. The Court combined all the cases into one case. Since *Miranda* was listed first among the four cases considered by the Court, the decision came to be known by that name. The decision in *Miranda v. Arizona* was handed down in 1966. The Court ruled in Miranda's favor.

Because of the *Miranda* case, now all law enforcement officers read these rights to criminal suspects **when they are taken into custody:**

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 an attorney.
4. If you cannot afford an attorney, one will be appointed for you.

When the *Miranda* rules are not followed, statements made by a suspect are not allowed as evidence for three reasons:

1. To avoid the risk that statements were forced in violation of the defendant's Fifth Amendment rights;
2. To encourage officers to comply with the *Miranda* rules, thereby lessening the future likelihood of compelled self-incrimination; and
3. To discourage any police practices that tended to compel confessions from suspects.

Note: The State of Arizona decided to retry Miranda. His confession was not introduced into evidence. Miranda was once again convicted and sentenced to 20-30 years in prison.

What is the Exclusionary Rule?

In a 1961 United Supreme Court case, *Mapp v. Ohio*, the Court held that evidence obtained in violation of a defendant's Fourth Amendment rights could not be used at the defendant's trial. This became known as the Exclusionary Rule. In a later case, the Court held that this rule also applied to evidence obtained in violation of a defendant's Fifth Amendment right against self-incrimination.

Teaching about *Miranda*

1. Go over the background with students, using the information from this study guide or from other resources.
2. Discuss the constitutional sources of the Miranda Rights. (5th and 6th Amendments)
3. Discuss what the Exclusionary Rule is and how it applied to Miranda.
4. Two threshold questions that may arise in case involving a Miranda issue are: a) was the person in custody, and b) was a confession voluntary. Both of these issues have been the subject of numerous court cases. For a power point on these cases go to **NEED to provide link to power point.**

5. Divide the class into prosecutors and defense attorneys. For each of the scenarios below, have each side argue about whether the defendant's Miranda Rights have been violated:
- A man was suspected of abducting and killing a little girl who was attending her brother's high school wrestling match. After he was arrested, he said he did not want to say anything without an attorney present. He had to be transported across the state of Iowa. The police did not question the suspect while transporting him across Iowa but the police officers talked to each other about how much it would mean for the girls' family if her body could be found so they could give her a Christian burial. The suspect told the officers where to find the body. (The U.S. Supreme Court held that the officers' conversation, in front of the defendant, about a Christian burial constituted an interrogation in *Brewer v. Williams*, 430 U.S. 387 (1977))
 - While he was being transported to police headquarters in a squad car, the murder suspect, who had been given the Miranda warnings and had asserted he wished to consult a lawyer before submitting to questioning, was not asked questions by the officers. However, the officers engaged in conversation among themselves, in which they indicated that a school for handicapped children was near the crime scene and that they hoped the weapon was found before a child discovered it and was injured. The defendant then took them to the weapon's hiding place. (In *Rhode Island v. Innis*, 446 U.S. 291 (1980), the Court held that officers' conversation **was not** an interrogation.)
6. In 2011, the Supreme Court of the United States considered the Miranda Rights issue in a juvenile case called *J.D.B v. North Carolina*. Go to www.uscourts.gov/educational-resources/educational-activities/jdb-v-north-carolina for teaching activities and for information about the case go to <https://www.oyez.org/cases/2010/09-11121> .

End-of-course American Government considerations

Miranda is one of the cases on the American Government end-of-course test. For lesson plans and resources about this and about teaching other cases on the test, please go to <http://missourilawyershelp.org/events/constitution-day/> .

Resources

For excellent background materials, including primary documents, and for lesson plans, there are many resources:

1. Streetlaw's Landmark Cases: www.landmarkcases.org
2. The United States Courts Educational Resources: <http://www.uscourts.gov/about-federal-courts/educational-resources>
3. The Missouri Bar: <http://missourilawyershelp.org/events/constitution-day/>
4. The Constitutional Rights Foundation: <http://www.crf-usa.org/landmarks-historic-u-s-supreme-court-l-inks/miranda.html>

For further study and discussion and enrichment

1. How are the Miranda Rights and the Exclusionary Rule consistent with the concept of limited government?
2. What part did the 14th Amendment play in the *Miranda* decision?
 - a. In 1961, the United States Supreme Court held that the Exclusionary Rule applied to states. (*Mapp v. Ohio*)
 - b. In 1963, the United States Supreme Court held that the Sixth Amendment right to counsel applied to states. (*Gideon v. Wainwright*)
 - c. In 1964, the United States Supreme Court held that the Fifth Amendment right against self-incrimination applied to states. (*Malloy v. Hogan*)
3. The Exclusionary Rule is somewhat controversial. Why? (Most common argument is that guilty people go free.) What are your feelings about it? What else could be done if law enforcement officers violate someone’s Fourth or Fifth Amendment Rights?
4. Take note of the procedural history of the *Miranda* case. First, Miranda was tried in a trial court where the burden of proof was on the state to prove his guilt beyond a reasonable doubt. When he was convicted, Miranda had a right to an automatic appeal of his conviction; the state could not have appealed if the jury had found Miranda not guilty. When Miranda lost at the Arizona Supreme Court, he was able to make a further appeal to the Supreme Court of the United States. Why do you think criminal defendants are given several opportunities to have a court hear their cases? How is this consistent with the concept of limited government?

Grade Level Expectations (DESE approved 4.16):

Theme 1-History Continuity and Change	E. Analyze the causes and consequences of a specific issue tied to government as well as the challenges and opportunities faced by those trying to address the problem.
Theme 1-Government Systems and Principles	A. Analyze laws, policies, and processes to determine how governmental systems affect individuals and groups in society.
Theme 4-Government in Action	A. Trace the changing power relationships between branches of the United States government over time. B. Analyze changing ideas regarding an “active judiciary,” and an “active executive branch” in United States government over time.
Theme 3-Structure of Government	C. Analyze the unique roles and responsibilities of the three branches of government to determine how they function and interact.