



Viewing Guide for *Miranda v. Arizona* 1966

The Background of Miranda's Criminal Case: (00:00 to 2:12)

1. What happened on March 2, 1963 in Phoenix, Arizona?
2. What happened in the investigation of the case ten days later?
3. What happened as a result of the police interrogation?
4. What was at the top of the confession Miranda signed?

Stop and Think: At this point, what is your opinion about the actions of the police with regards to Miranda's interrogation and the confession which he signed?

The Trial and Appeal of Ernesto Miranda: (2:12 to 5:13)

5. What did Miranda's attorney attempt to do before his trial began?
6. What provision of the Fifth Amendment was Miranda's attorney referencing?

7. What had the Supreme Court already ruled with regard to the application of the Fifth Amendment to the states through incorporation by the Fourteenth Amendment?
8. What was the impact of the Supreme Court's decision in the case of *Escobedo v. Illinois* in regard to the rights of defendants in criminal cases?
9. How did Miranda's trial court judge rule with regard to his attorney's motion to exclude the confession?
10. What was the result of Miranda's trial?
11. What did the Arizona Supreme Court rule when Miranda's attorney appealed his conviction to that court?

Stop and Think: Do you think the prosecution should have been allowed to use Miranda's confession at his trial? Why or why not?

The U.S. Supreme Court Arguments: (5:17 to 7:22)

12. What new argument did Miranda's attorneys make before the U.S. Supreme Court?
13. What did Arizona argue?

Stop and Think: With which argument(s) do you agree? Explain your position.

The U.S. Supreme Court's Decision in the Miranda Case: (7:22 to 12:00)

14. What did the U.S. Supreme Court decide and who wrote the opinion of the court?

15. What were the major reasons for the Court's decision?

16. Why did Chief Justice Warren study police manuals dealing with interrogation when writing his opinion for the Supreme Court?

Impact of the Case: (12:00 to 13:46)

17. What are the four rights that police now must be sure that a suspect knows and understands before interrogation begins?

18. According to the Supreme Court's decision, what must happen if a suspect waives his/her rights and begins to answer questions, but suddenly changes his/her mind?

19. What percentage of suspects waive their rights and go ahead and confess even after the Court's Miranda decision? What explains this?

Stop and Think: How would each of the following feel about the Supreme Court's Miranda decision: A prosecuting attorney? A defense attorney? A defendant? A police officer?

The Dissenting Opinion: (13:46 to 16:32)

20. What was the major argument of the four Justices (Bryon White, Tom Clark, John Marshall Harlan II, and Potter Stewart) who dissented in the case?

21. Why has the Supreme Court's decision in Miranda remained controversial?

The Impact of the Case: (16:32 to end)

22. How has the Supreme Court's Miranda decision changed the ability of the police to obtain confessions?

23. What happened at Miranda's retrial on the same charge?

24. What happened to Miranda in 1976 after he was paroled in 1972?

Conclusion: Read the following quotes from the opinions written in the case and determine which is from the opinion of the Court and which is from the dissent. With which quote do you agree and why?

"I see nothing wrong, or immoral, and certainly nothing unconstitutional with the police asking a suspect whom they have reasonable cause to arrest whether or not he killed his wife or with confronting him with the evidence on which the arrest was based. These ends of society are served by the criminal law which for the most part is aimed at the prevention of crime."

"We hold when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized."