



## Teacher Notes: *Miranda v. Arizona* (1966)

### The Background of Miranda's Criminal Case:

1. What happened on March 2, 1963 in Phoenix, Arizona?  
An 18 year-old woman was walking home from work when a man pulled her into a car, took her to the desert, and raped her.
2. What happened in the investigation of the case ten days later?  
The man was later identified as Ernesto Miranda. He was arrested and placed in a line-up with three other men who closely matched Miranda's physical appearance. The victim failed to positively identify Miranda, and detectives then began to interrogate him in hopes of getting his confession.
3. What happened as a result of the police interrogation?  
The detectives questioned Miranda for two hours after which he confessed. They then brought the victim to the door and asked Miranda if this was the woman that he had raped. He said it was. He was then asked to write his confession.
4. What was at the top of the confession Miranda signed?  
At the top was a disclaimer which stated that the suspect was confessing voluntarily without threats or promises of immunity, and with full knowledge of his legal rights and understanding that any statement he made might be used against him.

**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?  
The attorney asked the judge to exclude the confession from the evidence the prosecution could use because the confession was not given voluntarily. He argued that police should have informed Miranda of his right not to say anything to police as guaranteed by the U.S. Constitution's Fifth Amendment.
6. What provision of the Fifth Amendment was Miranda's attorney referencing?  
He was referring to that part of the Fifth Amendment which says a person cannot be compelled to be a witness against oneself. When a suspect is put in the "hot seat" before a trained professional without a lawyer, it is inherently unequal and pressure packed. The proof Miranda's attorney offered was the fact that the police more often than not get confessions.

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?  
**The Supreme Court had already ruled that the rights in the Fifth Amendment were so fundamental, that they also applied to the states.**
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?  
**In the *Escobedo* case the Court ruled said that the Sixth Amendment's right to counsel not only applied at trial but also at the time of arrest, during the investigation and at pre-trial proceedings. Miranda had not been provided counsel, and even though he had not asked for one, his attorney argued that shouldn't have mattered.**
9. How did Miranda's trial court judge rule with regard to his attorney's motion to exclude the confession?  
**The judge ruled that the confession had been voluntary and therefore could be used at Miranda's trial.**
10. What was the result of Miranda's trial?  
**A jury found Miranda guilty and he was sentenced to 20 to 30 years in prison.**
11. What did the Arizona Supreme Court rule when Miranda's attorney appealed his conviction to that court?  
**The Arizona Supreme Court ruled that the confession was admissible and upheld the conviction.**

**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?  
**They argued that Miranda would not have confessed if he had been advised of his right to remain silent and his right to an attorney. They said it was wrong that confessions were only excluded if the police used abuse or torture to obtain them.**
13. What did Arizona argue?  
**Attorneys for Arizona argued that the police didn't make Miranda say anything. They only asked questions and he willingly responded. At no point in the interrogation did he refuse to answer or ask for an attorney. He has these rights but he did not invoke or ask for them. It was not the job of the police to explain a defendant's rights.**

**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?**

**By a vote of 5-4 the court overturned Miranda's conviction and ruled that the confession had to be excluded from the evidence used at Miranda's trial. Chief Justice Earl Warren wrote the opinion of the Court.**

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

**The Court ruled that the Fifth Amendment had been violated because police had failed to advise Miranda of his right that he was not compelled to speak against himself, and that he had a right to an attorney during the questioning. These police failures meant that the confession was compelled and therefore should be excluded.**

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

**He believed that the procedures outlined in the police manuals showed elements of coercion in the techniques used in the interrogation process. He believed that the use of these techniques produced confessions that did not safeguard Fifth Amendment rights.**

**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?**

- A. An absolute right to remain silent**
- B. Anything said can be used against the accused at trial**
- C. A right to an attorney before making a statement or answering any question**
- D. A right to an attorney provided by the state if accused can't afford one**

**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?**

**The police must stop the interrogation at that point.**

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

**65% still confess because many think they can outsmart the police and walk away. Many feel that it makes them look guilty if they refuse to answer and ask for an attorney.**

**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?

The dissenting justices believed that the majority of the Court exaggerated the impact of the methods used by police in interrogations. They also believed that the Court's decision would inhibit police ability to detect criminal behavior and would handicap them in their effort to protect society.

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

1. Some feel the Court went beyond what the Constitution requires the police to do by establishing the rules (the Miranda warning) police must follow in combating crime.
2. The Miranda warnings are lengthy and very specific. The job of writing rules to be used by police is more the job of legislatures, not the courts whose job is to interpret the rules. Critics argue this is an example of judicial activism.

## 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?

The police have really not had a problem in getting confessions. They were afraid that all suspects would invoke their right to remain silent and to demand an attorney. However, that hasn't happened, and the number of confessions obtained by police has not significantly changed.

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

Miranda's confession was not introduced, but he was still found guilty of kidnapping and rape and sentenced to 20 to 30 years in prison.

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

Miranda was in a bar when he got into a fight and was stabbed to death. The police arrested the man accused of killing Miranda at the scene and read him his Miranda rights.

**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." **White's Dissenting Opinion**

"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." **Warren's Opinion of the Court**