

# CONSTITUTION DAY 2016

## *The Miranda Rights: More Than Mere Words*

Presented by:



Constitutional Rights  
Foundation  
ORANGE COUNTY

MIRANDA V. ARIZONA  
(JUNE 13, 1966) 384 U.S. 436

- Celebrating 50<sup>th</sup> anniversary of this landmark decision by the U.S. Supreme Court



# WHAT ARE THE *MIRANDA* RIGHTS?

- You have the right to remain silent
- Anything you say can and will be used against you in a court of law
- You have the right to talk to a lawyer and to have an attorney present while you are being questioned
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish
- You can decide at any time to exercise these rights and not answer any questions or make any statements



# MIRANDA V. ARIZONA (JUNE 13, 1966) 384 US 436

- It created a basic American notion of fundamental fairness which has become deeply imbedded in our culture
- Example: The admonition appears in many popular movies, TV shows and even at times, in comedies



# MIRANDA V. ARIZONA

## HISTORICAL BACKGROUND

384 U.S. 436, \*; 86 S. Ct. 1602, \*\*;  
16 L. Ed. 2d 694, \*\*\*

MIRANDA v. ARIZONA

No. 759

SUPREME COURT OF THE UNITED STATES

384 U.S. 436; 86 S. Ct. 1602; 16 L. Ed. 2d 694; 10 Ohio Misc. 9; 36 Ohio Op. 2d 237;  
10 A.L.R.3d 974

February 28, 1966-March 1, 1966, Argued  
June 13, 1966, Decided \*

\* Together with No. 760, *Vignera v. New York*, on certiorari to the Court of Appeals of New York and No. 761, *Westover v. United States*, on certiorari to the United States Court of Appeals for the Ninth Circuit, both argued February 28-March 1, 1966; and No. 384, *California v. Stewart*, on certiorari to the Supreme Court of California, argued February 28-March 2, 1966.

**PRIOR HISTORY:** CERTIORARI TO THE SUPREME COURT OF ARIZONA.

**DISPOSITION:** 98 Ariz. 18, 401 P. 2d 721; 15 N. Y. 2d 970, 207 N. E. 2d 527; 16 N. Y. 2d 614, 209 N. E. 2d 110; 342 F.2d 684, reversed; 62 Cal. 2d 571, 400 P. 2d 97, affirmed.

### SUMMARY:

The instant cases deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation, and the necessity for procedures which assure that the individual is accorded his privilege against self-incrimination. Without specific concentration on the facts of these cases, the Supreme Court of the United States, in an opinion by Warren, Ch. J., expressing the views of five members of the Court, laid down the governing principles, the most important of which is that, as a constitutional prerequisite to the admissibility of such statements, the suspect must, in the absence of a clear, intelligent waiver of the constitutional rights involved, be warned prior to questioning that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. Clark, J., dissenting in part and concurring in part, expressed the view that the admissibility of a confession obtained by custodial interrogation should depend on the "totality of circumstances." Harlan, Stewart, and White, JJ., dissented, expressing the view, in an opinion written by Mr. Justice Harlan, that the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large, and in an opinion written by Mr. Justice White, that the proposition that the privilege against self-incrimination

forbids in-custody interrogations without the warnings specified above and without a clear waiver of counsel has no significant support in the history of the privilege or in the language of the Fifth Amendment.

In No. 759 the defendant was arrested by the police and taken to a special interrogation room where he signed a confession which contained a typed paragraph stating that the confession was made voluntarily with full knowledge of his legal rights and with the understanding that any statement he made might be used against him. At his trial in an Arizona state court, at which the confession was admitted in evidence, he was convicted of kidnapping and rape. On appeal, the Supreme Court of Arizona affirmed. (98 Ariz. 18, 401 P.2d 721.) On certiorari, the Supreme Court of the United States reversed, holding that defendant's confession was inadmissible because he was not in any way apprised of his right to counsel nor was his privilege against self-incrimination effectively protected in any other manner. Clark, J., and Harlan, Stewart, and White, JJ., dissented.

In No. 760 the defendant made an oral confession to the police after interrogation in the afternoon, and then signed an inculpatory statement upon being questioned by an assistant district attorney later the same evening. At his trial in a New York State court on a charge of robbery, the defense was precluded from making any showing that warnings of his right to counsel and his right to be silent had not been given. His conviction was affirmed by the Appellate Division, Second Department (21 App Div 2d 752, 252 NYS2d 19), and by the Court of Appeals (15 NY2d 970, 259 NYS2d 857, 207 NE2d 527, remittitur amended, 16 NY2d 614, 261 NYS2d 65, 209 NE2d 110.) On certiorari, the Supreme Court of the United States reversed on the ground that the defendant was not warned of any of his rights before the question-

- The Supreme Court examination of the Fifth Amendment to the United States Constitution

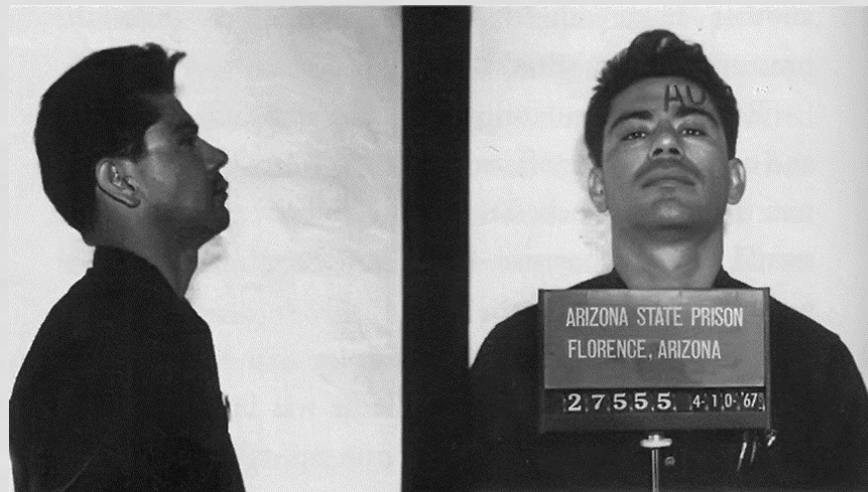
# THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

- “**No person** shall be held to answer for a capital, or otherwise infamous crime,... nor **shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” (emphasis supplied.)
- Commonly known as “the right or privilege against self-incrimination”



# MIRANDA – THE BACKSTORY

- Ernest Arthur Miranda – was arrested March 13, 1963





# MIRANDA – THE BACKSTORY

- Taken to the Phoenix Police Station





# MIRANDA – THE BACKSTORY

- Officer Carroll Cooley: “After the lineup, Ernie asked how he did; I told him – not so good – she identified you – maybe we should talk about it...”



# MIRANDA – THE INTERROGATION

- Cooley & another detective – placed Miranda in Interrogation Room #2
- Miranda was not advised that he had a right to a lawyer and he did not know he could remain silent

# MIRANDA – THE CONFESSION

- The written confession by Miranda also stated, “[C]onfession was made voluntarily, without threats or promises of immunity and "with full knowledge of my legal rights, understanding any statement I make may be used against me."

# MIRANDA – THE STATE DECISION

- Miranda was convicted & sentenced to prison
- On appeal : Miranda claimed the police did not inform him of his right to a lawyer
- Arizona Supreme Court – affirmed – statements voluntary & he was told it could be used against him.



# MIRANDA – THE U.S. SUPREME COURT

- 5-4 – Majority decision written by CJ Earl Warren
- Based upon its review, the Court stressed “[T]hat the modern practice of in-custody interrogation is psychologically rather than physically oriented.”
- Custodial interrogations have the potential to undermine the Fifth Amendment privilege against self-incrimination by exposing a suspect to physical or psychological coercion.

# MIRANDA – THE DECISION



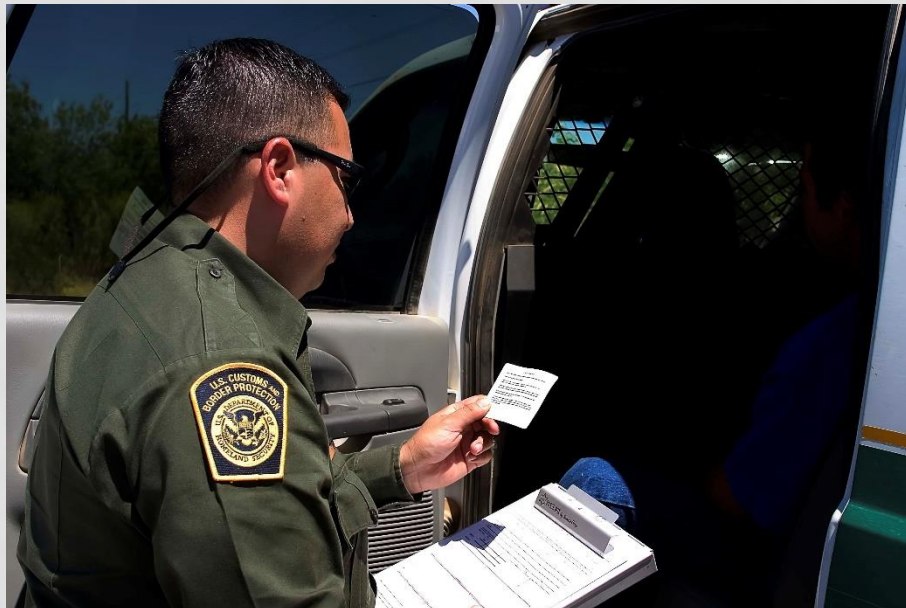
- To guard against such coercion, the Court established a procedural mechanism that requires a suspect to receive a warning before custodial interrogation begins.
- The Court reasoned that merely telling a suspect that they have a Fifth Amendment privilege is not enough
- The Court noted the FBI routinely gave similar admonishments

# MIRANDA – THE DECISION

- The Court stressed that custodial interrogation is by nature psychologically coercive
- “The circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege by his interrogators. Therefore, **the right to have counsel present at the interrogation is indispensable to the protection of the Fifth Amendment privilege** under the system we delineate today.”

# MIRANDA – THE DECISION

- 6<sup>th</sup> Amendment “Right to Lawyer” cases set stage:
  - Gideon v. Wainwright (1963) 372 U.S. 335 – the right to have appointed counsel in criminal proceedings
  - Escobedo v. Illinois (1964) 378 U.S. 478 - denial of right to counsel during custodial interrogation



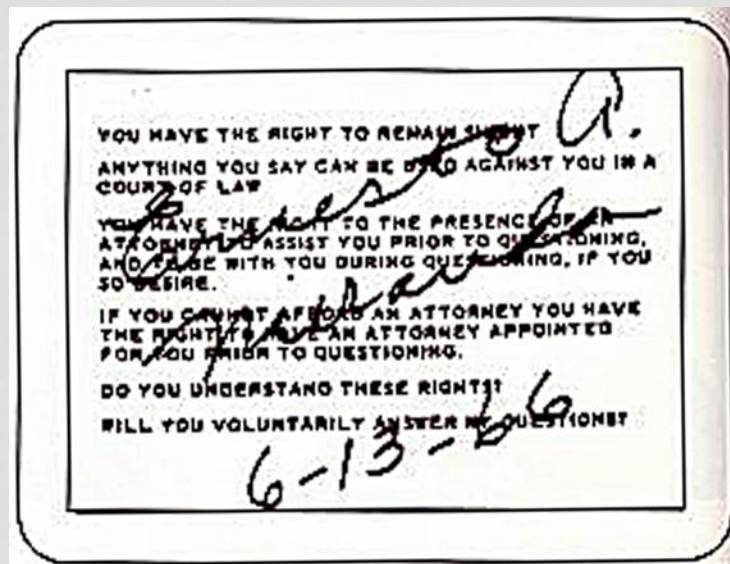


# MIRANDA – THE DECISION

- **THE HOLDING**: “[W]e hold that **an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation** under the system for protecting the privilege we delineate today. **As with the warnings of the right to remain silent and that anything stated can be used in evidence against him, this warning is an absolute prerequisite to interrogation.**”

# MIRANDA – THE AFTERMATH

- Ernest Miranda was convicted without written confession in 1967 and 1971
- He went back to prison in 1972 & 1975
- He was proud of the decision & used to sign cards upon request



# MIRANDA – THE AFTERMATH

- In 1976, murdered in bar knife fight, age 35



# MIRANDA - THE IMPACT

- Use of printed *Miranda* warnings card is a standard practice today





# MIRANDA – THE AFTERMATH

- Decision continues to be controversial
- Police & critics – claim investigations are hampered & many crimes go unsolved
- Studies in favor – better police methods developed & despite warnings, many suspects do still confess

# MIRANDA – THE AFTERMATH

- *Miranda* – later cases “watered down” – police allowed techniques inconsistent with opinion
- Still producing significant cases and scholarly discussions
- *Miranda* has been discussed in 61,942 court decisions & in 13,946 scholarly articles



# MIRANDA – THE AFTERMATH

- Later challenge to the *Miranda* decision



# WHEN *MIRANDA* APPLIES

- ***Miranda* rights must be given by law enforcement officers only:**
- Prior to questioning
- To an in-custody (arrested) suspect
- Not all statements made to police officers require *Miranda* warnings





# FAILURE TO COMPLY

- **Prosecution must show waiver of *Miranda* rights was voluntarily, knowingly and intelligently made by suspect**
- **Failure to give *Miranda* warnings:**
- Will result in suppression (exclusion) of all pretrial statements by the suspect in the prosecution's case in chief
- Should defendant testify – statements may be used for impeachment

# DISCUSSION & QUESTIONS



# ADDITIONAL RESOURCES

- **Further Reading:** Miranda v. Arizona (1966) 384 U.S. 436; 86 S. Ct. 1602
- **Web Resources:**
  - American Bar Association – *Miranda: More Than Words*:  
[http://www.americanbar.org/groups/public\\_education/initiatives\\_awards/lawday2016/about.html](http://www.americanbar.org/groups/public_education/initiatives_awards/lawday2016/about.html)
  - 2016 Leon Jaworski Public Program Series: “Miranda: More Than Words” – Video Program and Booklet:  
[http://www.americanbar.org/groups/public\\_education/initiatives\\_awards/jaworski\\_public\\_programs/jaworski2016\\_miranda.html](http://www.americanbar.org/groups/public_education/initiatives_awards/jaworski_public_programs/jaworski2016_miranda.html)

# ADDITIONAL RESOURCES

- Landmark Cases: C-Span TV Series – *Miranda v. Arizona* : [http://landmarkcases.c-span.org/Case/ 11/Miranda-V-Arizona](http://landmarkcases.c-span.org/Case/11/Miranda-V-Arizona)
- About Education: *Miranda v. Arizona*: [http://americanhistory.about.com/\\_od/supremecourtcases/p/miranda-v-arizona.htm](http://americanhistory.about.com/_od/supremecourtcases/p/miranda-v-arizona.htm)
- United States Courts: <http://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks/miranda-v-arizona-podcast>
- Annenberg Classroom: <http://www.annenbergclassroom.org/page/the-right-to-remain-silent-miranda-v-arizona>

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