CONSTITUTION DAY 2016

The Miranda Rights: More Than Mere Words

Presented by:
Constitutional Rights Foundation
Orange County
Celebrating 50th 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
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

• 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
• 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
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

• 6th 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
• **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.”
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
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:**
  
ADDITIONAL RESOURCES


• About Education: Miranda v. Arizona: http://americanhistory.about.com/od/supremecourtcases/p/miranda-v-arizona.htm


• Annenberg Classroom: http://www.annenbergclassroom.org/page/the-right-to_remain-silent-miranda-v-arizona
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