Miranda v. Arizona / Background ••

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 who questioned Miranda 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. In his statement, he wrote 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 20–30 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 as evidence 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 did not give Miranda any explanation of his rights. The state argued, however, that because Miranda was 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.

The case came down to this fundamental question: What is the role of the police in protecting the rights of the accused, as guaranteed by the Fifth and Sixth Amendments to the Constitution? The Supreme Court of the United States made previous attempts to deal with these issues. The Court already ruled that the Fifth Amendment protected individuals from being forced to confess. They also decided that persons accused of serious crimes have a fundamental right to an attorney, even if they cannot afford one. In 1964, after Miranda's arrest but before the Court heard his case, the Court ruled that when an accused person is denied the right to consult with their attorney, that person's Sixth Amendment right to the assistance of a lawyer is violated. But do the police have an obligation to ensure that the accused person is aware of these rights before they question that person?

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 his name. The decision in *Miranda v. Arizona* was handed down in 1966.

Questions to Consider

1. What rights of the accused does the Fifth Amendment protect?

2. What rights of the accused does the Sixth Amendment protect?

3. If Ernesto Miranda had been made aware of these rights, how might his behavior have been different when the police questioned him?

4. Individual rights must be balanced against the values of society at large. In Miranda, what societal values must be balanced against a person's right to be protected from self-incrimination and the right to counsel?

5. Some people argue that it is an individual's responsibility to know what their rights are under the Constitution, and not the government's responsibility to inform them. Do you think the government should have to inform individuals who are arrested of their rights? Why or why not?

