

## Miranda v. Arizona / Background •—Answer Key

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As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

Ernesto Miranda was a poor man who lived in Arizona. In 1963, a woman **accused** Miranda of committing a violent crime against her. The police arrested Miranda and **interrogated** him about the crime for two hours.

In the United States, people who are accused of crimes have certain rights granted by the Constitution. The Fifth Amendment to the Constitution says that they have the right to be silent and not to **incriminate** themselves. The Sixth Amendment to the Constitution says that they have the right to have a lawyer to help defend themselves.

The police did not tell Miranda that he had these rights when they arrested him. After the police were finished asking Miranda questions, he signed a **confession**. The police used his confession in the trial, and Miranda was found guilty of the crime. The judge decided he should serve 20–30 years in prison for each crime.

Miranda **appealed** his case to the highest court in Arizona, called the Arizona Supreme Court. His attorney argued that his confession should not have been used as evidence in his trial because Miranda was not informed of his rights. He also had no attorney present to help him during his **interrogation**. The government argued that since Miranda was found guilty of crimes before, he should have known his rights. The Arizona Supreme Court denied his appeal and upheld Miranda's conviction.

The Supreme Court of the United States agreed to hear Miranda's case. 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?

The Fifth Amendment states that, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; 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." The underlined sections are important for the *Miranda* decision. The issue is whether Miranda was compelled to be a witness against himself and whether he was deprived of due process because he was not informed of his right not to self-incriminate.

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

The Sixth Amendment states that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." The Sixth Amendment is relevant here because Miranda did not consult with an attorney and was not informed that he could have done so.

3. If the police had informed Ernesto Miranda of these rights, do you think he would have done anything differently?

If Miranda had been informed of these rights, he may not have signed a confession to the crime. He may have wanted to consult with an attorney who would have informed him of his rights not to self-incriminate.

4. This case involves balancing the rights of accused people against society's need to fight crime. Could informing accused persons of their rights hurt the ability of the police to fight crime? Why or why not?

Informing people of their rights means that they may not want to talk to the police, as is their right, and that they may consult with an attorney who will inform them of the best course of action to avoid criminal prosecution. Not speaking and consulting with an expert in the law could harm the ability of the police to fight a crime because the accused person may not reveal information critical to the case.

5. Do you think that informing people of their rights when they are accused of crimes helps protect innocent citizens? Why or why not?

Student answers will vary.