

Lesson Title: The Long Life of the U.S. Constitution

Handout #2: *Miranda v. Arizona* 384 US 436

Amendments 5 and 6 were post-Revolutionary reactions to the lack of defendants' rights in the arbitrary courts of 18th century England. These rights have been expanded over the years, as illustrated in *Miranda v. Arizona*.

The Case

Ernesto Miranda was arrested at his Phoenix, Arizona, home and taken in custody to a police station where he was identified by a witness. He was then interrogated by two police officers for two hours, and signed a written confession. Miranda was found guilty of kidnapping and rape and was sentenced to 20-30 years imprisonment on each count. On appeal, the Supreme Court of Arizona held that Miranda's constitutional rights were not violated in obtaining the confession.

Miranda sued on the grounds that he did not have a lawyer present, nor did he know that he had the right to counsel during his interrogation. Miranda's case was combined with four others of the same nature.

The Decision

The U.S. Supreme Court held in a 5-4 decision that statements made in response to interrogation by a defendant in police custody will be admissible at trial only if the prosecution can show that the defendant was informed of the right to consult with an attorney before and during questioning and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights, but voluntarily waived them. Chief Justice Warren wrote:

“The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him.

If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease... If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning.”

Law enforcement practices all over the country changed after the Miranda decision. Officers everywhere must read “Miranda Rights” to every person they detain.

Amendment 5: 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 offense 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.

Amendment 6: 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 defense.

Questions to Answer:

1. Who were the plaintiffs, and what were their arguments?
2. Who were the defendants, and how did they justify their actions?
3. How did the court decide the case, and what part(s) of the Bill of Rights were cited in the majority opinion?
4. What were the long-term effects of this decision?