

MIRANDA V. ARIZONA (1966)

March 3, 1963: the telephone at the Phoenix Police Department jangled--an urgent call like hundreds of others that day. This one, however, was the curtain ringer for one of the most controversial cases in modern Supreme Court history. The call came from the angry family of an 18-year-old girl who claimed that she had just been raped.

According to the girl, she was on her way home from her job at a local movie theater when a car pulled up. A man got out, grabbed her, threw her into the back seat, and tied her hands and feet. The man, whom she had never seen before, drove for about 20 minutes. When he stopped the car, he untied her and raped her. He then drove back to the area where he had kidnapped her and let her go. The girl was able to give a description of the car.

Ten days later, Phoenix police arrested Ernesto Miranda, a 23-year-old Mexican American, for rape and kidnapping. At the police station he was placed in a lineup with four other Mexican American men, all about the same age and build. The girl picked him out of the lineup, but said she wasn't absolutely sure he was the man.

Miranda was then taken to an interrogation room and questioned by two police officers. Two hours later, the officers emerged from the room with a written confession signed by Miranda.

At Miranda's trial the two officers testified that during Miranda's interrogation he admitted that he forced the girl into the car, drove away with her, and raped her. The officers then asked him to prepare a written confession. As they placed the confession form in front of him, they hastily read a statement printed at the top which said the confession was made voluntarily, without threats or promises of immunity, and with "full knowledge of my legal rights, understanding any statements I make may be used against me." The officer who read this statement aloud to Miranda admitted, however, that it did not say that the person confessing was entitled to an attorney during the questioning. (No standard for telling people about their rights existed in police departments across the country, and what was said varied from suspect to suspect.) Miranda was found guilty of kidnapping and rape and was sentenced to 20-30 years in prison.

Miranda appealed his case to the Arizona Supreme Court. The issue arose whether his confession should have been admitted into evidence since he did not have an attorney at the time he made it, and the state had not asked him if he wanted an attorney. Had he been deprived of his right to counsel under the 6th amendment and his right to remain silent under the 5th amendment?

The state declared that Miranda made his statement voluntarily; no threats or use of force or coercion, no promises of immunity had been made. Arizona claimed that he understood his rights and that the statement could be used against him. It was true that he had no attorney present during the interrogation, but he did not specifically ask for one. The Arizona Supreme Court upheld his conviction; it held that his constitutional rights had not been violated, and the confession could be used against him. Miranda then appealed to the United States Supreme Court.

OVER FOR QUESTIONS

I. BACKGROUND:

Who is Miranda? Of what crimes is he accused? What was read to him at the time he confessed? What was missing from this statement?

II. ISSUE ONE: Do you think the 5th amendment right to remain silent should apply to police interrogations as well as in the courtroom? **EXPLAIN YOUR ANSWER**

III. ISSUE TWO: When Miranda signed his confession without an attorney present, did he **KNOWINGLY AND WILLINGLY** give up his right to remain silent or would he have acted differently if he had known he could have an attorney present? **EXPLAIN YOUR ANSWER**

IV. ARGUMENTS FOR MIRANDA: Why did Miranda believe his rights had been violated? What parts of the constitution did he claim had been violated?

V. ARGUMENTS FOR ARIZONA: Why did Arizona believe that no violation Miranda's rights had occurred?

VI. DECISION: YOU ARE TO DECIDE THIS CASE AS THOUGH YOU WERE A MEMBER OF THE SUPREME COURT. YOU ARE NOT BEING ASKED IF MIRANDA IS GUILTY OR NOT GUILTY, SO DO NOT RULE INNOCENT OR GUILTY. INSTEAD RULE ON WHETHER HIS RIGHTS WERE VIOLATED. A RULING IN FAVOR OF MIRANDA WILL NOT FREE HIM BUT WILL SEND THE CASE BACK TO ARIZONA FOR A NEW TRIAL WITHOUT THE CONFESSION. EXPLAIN YOUR RULING!