

Classifying Arguments Activity

Miranda v. Arizona (1966)

After reading the **background, facts, issue, constitutional provisions, and Supreme Court precedents**, read each of the arguments below. These arguments come from the briefs submitted by the parties in this case. If the argument supports the petitioner, Miranda, write **M** on the line after the argument. If the argument supports the respondent, Arizona, write **A** on the line after the argument. Work in your groups. When you have finished, determine which argument for each side is the most persuasive and be ready to give your reasons.

Arguments

1. Miranda's confession was made of his own free will. He signed a statement that said he made the statement voluntarily, and he understood that the statement could be used against him at trial. _____
2. Miranda had previously been convicted of a crime. He already knew of his right to remain silent and his right to a lawyer. Looking at the totality of the circumstances, his confession should have been considered voluntary and not coerced. _____
3. Miranda had only an eighth-grade education at the time of his arrest. This made him highly vulnerable to police force and persuasion. He needed to be informed of his rights to make sure that any statements, including a confession, were made voluntarily and not the product of police coercion. _____
4. The decision in *Escobedo* does not apply to this case. Here, Miranda did not ask for a lawyer. Because he did not try to exercise his rights, the police did not actually deny him of his constitutional rights to consult an attorney. _____
5. Even though Miranda was not physically or psychologically threatened by the police during the interrogation, the traditional rule that a "coerced" or "involuntary" confession is inadmissible as evidence does not sufficiently protect a suspect's right to be protected against self-incrimination. The privilege against self-incrimination is only meaningful if the police ensure that the suspect has the right to remain silent. _____
6. In *Escobedo v. Illinois*, the Court held that a statement is inadmissible at trial if the police did not protect the suspect's right to consult with counsel. The lower courts should have ruled that Miranda's confession was inadmissible. _____
7. The requirement of warnings that would apply in all cases—federal and state—is not found in the Constitution and is an intrusion on the right of states to operate their criminal justice systems. _____

Miranda v. Arizona (1966)

Argued: February 28–March 2, 1966

Decided: June 13, 1966

Background

The Fifth and Sixth Amendments to the Constitution deal with the rights of accused persons. Initially these rights, like the others in the Bill of Rights, served as limitations only on the federal government. Throughout the 20th century, U.S. Supreme Court decisions applied most Bill of Rights protections to all levels of government in a process called **selective incorporation**.

The Fifth Amendment says that “No person...shall be compelled in any criminal case to be a witness against himself...” This is called **freedom from compulsory self-incrimination**. The Sixth Amendment says in part, “In all criminal prosecutions, the accused shall enjoy the right to ... have the assistance of counsel for his defense.” This is called the **right to counsel**. But what exactly do these words mean? In a series of cases decided primarily during the 1960s, the Supreme Court interpreted the meaning of these clauses, as well as other language from the Bill of Rights, in extending greater protections to criminal defendants being prosecuted in state and local courts, not just in federal courts.

Facts

The U.S. Supreme Court reviewed criminal convictions in the courts of three states and one in a federal court. The facts were similar: each defendant had been convicted after making a confession while in law enforcement custody, but the confessions had not been preceded by any warnings that the suspect had a right to remain silent or to consult with a lawyer before deciding whether to make a statement.

The lead case involved Ernesto Miranda, whom a crime victim had identified in 1963 in a police lineup. Miranda was arrested and charged with rape and kidnapping. Miranda had an eighth-grade education. While he was in custody, the police interrogated him about the crime for two hours. The police did not inform him of his right against self-incrimination or his right to have the advice of a lawyer. During the interrogation Miranda confessed in writing to the kidnapping and rape charges. He did not request an attorney and did not have one present during questioning. At the top of his written statement was a typed paragraph stating that the confession 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.” This confession was admitted as evidence during the trial, and Miranda was sentenced to 20–30 years in prison.

Miranda appealed his conviction to the Arizona Supreme Court, arguing that he was not informed of his Fifth and Sixth Amendment rights. The state agreed that the police did not warn Miranda of these rights. However, since he had previously been convicted of a crime, they believed he was

already aware of his rights. The Arizona Supreme Court upheld his conviction. Miranda asked the Supreme Court of the United States to hear his case, and the Court agreed to do so (along with the three other cases presenting similar issues).

Issue

Does the Constitution require that a suspect being held in police custody receive certain warnings about the right to be free of self-incrimination and the right to have the assistance of a lawyer before they are questioned?

Constitutional Provisions and Supreme Court Precedents

- **Fifth Amendment to the U.S. Constitution**

“No person shall...be compelled in any criminal case to be a witness against himself.”

- **Sixth Amendment to the U.S. Constitution**

“In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his [defense].”

- *Gideon v. Wainwright* (1963)

In a unanimous decision, the Supreme Court held that the Sixth Amendment’s right to a lawyer applies to felony cases in which an individual is suspected of a crime under state law. Before this case, the Sixth Amendment’s right to free assistance of counsel, if the accused is too poor to hire a lawyer, applied only to federal criminal defendants. In *Gideon*, the Court decided that if a criminal defendant accused of a felony cannot afford an attorney, the state must provide one for free.

- *Escobedo v. Illinois* (1964)

In this case the Supreme Court determined that the police violated Escobedo’s Sixth Amendment rights by repeatedly ignoring his requests to speak to a lawyer. The Court also said that the police should have reminded Escobedo of his right to remain silent during interrogation. The *Escobedo* decision gave suspects the right to seek the advice of a lawyer as soon as they were in police custody, if the suspect asked to consult with a lawyer before agreeing to be questioned. This helps ensure that statements are voluntarily and not coerced.