**“You have the right to remain silent…”**

On March 13, 1963, Ernesto Miranda's truck was spotted and license plates recognized by the brother of an 18-year-old kidnapping and rape victim, Lois Ann Jameson. With his description of the car and a partial license plate number, Phoenix Police officers confronted Miranda, who voluntarily accompanied them to the station house and participated in a lineup. At the time, Miranda was a person of interest, and not formally in custody.

After the lineup, when Miranda asked how he did, the police implied that he was positively identified, at which point he was placed under arrest, and taken to an interrogation room. After two hours of interrogation, some of which regarded another offense Miranda was separately tried and convicted for, Miranda hand-wrote a confession for the kidnapping and rape of Jameson.

At the top of each sheet was the printed certification that "…this statement has been made voluntarily and of my own free will, with no threats, coercion or promises of immunity and with full knowledge of my legal rights, understanding any statement I make can and will be used against me."

Despite the printed statement on top of the sheets that Miranda used to write his confession on, "with full knowledge of my legal rights," he was not informed of his right to have an attorney present or of his right to remain silent when he was arrested, or before his interrogation.

Miranda's defense attorney argued that because police had not informed Miranda of his right to have an attorney present, the confession should not be admissible in court. Miranda and his attorney appealed, and eventually the Supreme Court heard the case and decided that because Miranda was not advised of his right to an attorney, the confession was inadmissible.

In the [Supreme Court decision](https://www.law.cornell.edu/supremecourt/text/384/436), Chief Justice Earl Warren wrote, “It is not sufficient to do justice by obtaining a proper result by irregular or improper means.” Even if someone is guilty of a crime, forcing them to speak to the police without knowledge of their basic rights is wrong.

After Miranda was freed, the state of Arizona retried him, without using the confession, and Miranda was convicted again. After serving 5 years, he was released on parole.

After his release, he started selling autographed *Miranda* warning cards for $1.50. Over the next few years, Miranda was arrested numerous times for minor driving offenses and eventually lost his license. He was arrested for the possession of a gun but the charges were dropped. However, because this violated his parole, he was sent back to prison for another year.

On January 31, 1976, after his release for violating his parole, a fight broke out in a bar in downtown Phoenix in which Miranda was stabbed. He was pronounced dead on arrival at Good Samaritan Hospital. Several Miranda cards were found in his pocket.

**Fifth Amendment**

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.

**Sixth Amendment**

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.

1. Describe Mr. Miranda’s arrest.
2. What did Miranda’s lawyer argue was wrong with his arrest?
3. What is Chief Justice Warren’s opinion in this case?
4. What do you find interesting about Miranda’s late life?
5. Miranda’s arrest was found to be in violation of the 5th and 6th amendments to the Constitution. What part of the 5th amendment do you think his arrest violated? (I’m just looking for a guess, this is hard).
6. What part of the 6th amendment do you think his right violated? (Again, this is hard)
7. Do you agree with the Supreme Court’s decision in this case? Why or why not?