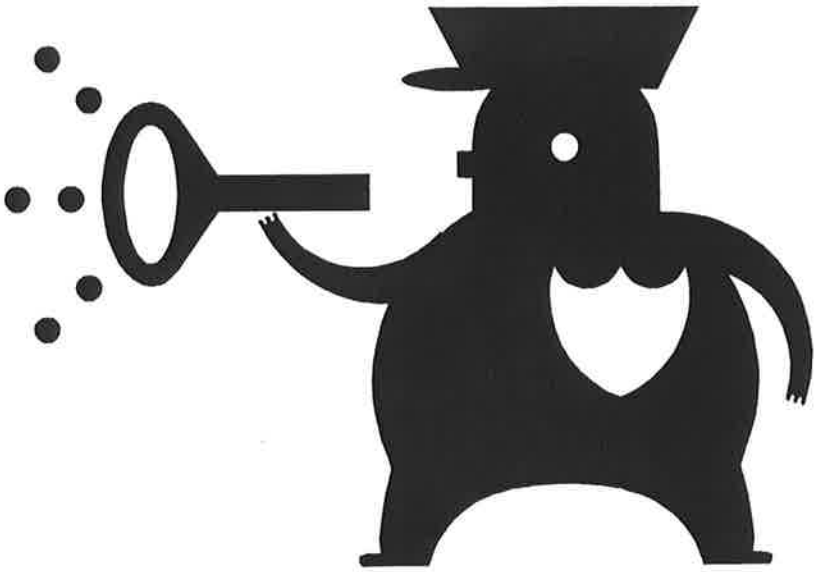
Miranda V. Arizona



KANSAS BAR FOUNDATION

LAW RELATED EDUCATION

Copyright © 2006 by the Kansas Bar Foundation

All rights reserved

No use is permitted which will infringe on the copyright without the express written consent of the Kansas Bar Association.

NOTE: The Kansas Bar Association legal education publications are intended to assist Kansas lawyers. Publications are distributed with the understanding the Kansas Bar Association, its committees, authors, and editors do not hereby render legal advice. The material is presented as research information to be used by lawyers in conjunction with other research deemed necessary in the exercise of their independent professional judgment. Original and fully current sources of authority should be researched.

The judicial Power of the United States...

LANDMARK DECISIONS OF THE SUPREME COURT OF THE UNITED STATES

Since shortly after the beginnings of our nation over 200 years ago, the Supreme Court of the United States has been a pivotal part of our self-government. The U. S. Supreme Court is the most powerful judicial body in the world. It is in that unique position by design. Our revolutionary system of checks and balances and separation of powers, including a separate and equal judiciary with powers of judicial review, has proven to be a successful, if not always smooth way to solve an enormous problem confronted by the founders. That challenge was how to have a government strong enough to protect us and encourage prosperity and happiness, while keeping that same government under control so it could not become tyrannical.

During the 20th century there were many landmark U. S. Supreme Court decisions that greatly influenced the direction our society has taken. These materials include edited recreations of oral arguments presented to the Court on three landmark cases and supplemental written materials. The Kansas Bar Association and many lawyers and judges have worked together to create this collection of videos and written materials to help students and others better understand these important decisions.

The cases we present are Brown v. The Topeka Board of Education (1954), New York Times Co. v. Sullivan (1964) and Miranda v. Arizona (1966). These cases have had a great impact on race relations, freedom of speech, and the rights of persons accused of crimes, respectively, in America.

The actual oral arguments made to the Supreme Court were much longer than our edited versions. We believe the important elements of the arguments have been preserved and are more easily understood in the form used. We hope the written materials we have included will help the classroom teacher explain the important issues involved. We will add other landmark case arguments and materials in the future if this approach proves to be a valuable and useful tool for teachers.

SUMMARY OF MIRANDA V. ARIZONA (1966)

One of the first substantial accomplishments of the government of the new United States of America was the proposing of, and the adoption of, the first ten amendments to our constitution. We call these amendments the Bill of Rights. They were passed to specifically protect certain rights and freedoms from the power of the new federal government. These freedoms were numerous and reflected the deep seated belief by the people of our nation that specific protections were needed.

The Bill of Rights were originally intended to apply only to the actions of the federal government and not to the governments of the individual states. However, the passage off the Fourteenth Amendment after the Civil War lead to the gradual adoption of the belief that many of the rights contained in the Bill of Rights should also be protected from the actions of the state governments. This is referred to as the "incorporation doctrine."

The decision of Mapp v. Ohio in 1961 gave a big push to the incorporation doctrine. In Mapp the Fourth Amendment protections concerning the right to be free from unreasonable searches and seizures was held to be applicable to the states through the Fourteenth Amendment. The decision also noted the ability of the courts to enforce these rights by being able to exclude evidence seized in violation of these rights from being used against the person whose rights had been violated. This has become known as "the exclusionary rule."

Miranda involved the rights guaranteed under the Fifth and Sixth Amendments to be free from coerced self-incrimination and the right to counsel in criminal matters. The court found that the constitution required that a person who was being questioned concerning a crime should be informed of the right to remain silent and the right to counsel. Without these warnings being given first any statement obtained might well be excluded from evidence and not be allowed to be used against the defendant.

In the forty years plus since the decision there have been many cases which have clarified and otherwise fine-tuned the ruling. Although there was much opposition to the ruling when it was first announced, it is now a well established and accepted part of police procedures. The number of cases that are reversed because of a failure to comply with it are now few. The Miranda case underlined our commitment to the Bill of Rights and a fair system of criminal justice.

QUESTIONS AND ANSWERS TO ACCOMPANY MIRANDA v. ARIZONA

Q. Since the protections of our Constitution's Bill of Rights concerning governmental actions, such as searches and seizures, were intended to apply only to the Federal government, how did they come to be applied to the actions of officials of the States ?

A. Beginning in the 1800's the Supreme Court of the United States began using the Fourteenth Amendment to the United States Constitution to bar the States from violating certain rights guaranteed in the Constitution. This application of these rights to the States is called the "incorporation doctrine."

Q. What 1961 Supreme Court of the United States decision applied the Fourth Amendment prohibition of unlawful searches and seizures to the States ?

A. Mapp v. Ohio

Q. What 1963 Supreme Court of the United States decision ruled that under the Sixth Amendment to the United States Constitution, a person charged with a felony in a state prosecution was entitled to a lawyer at trial, even if he could not afford one ?

A. Gideon v. Wainwright

Q. What 1964 Supreme Court of the United States decision further extended the Sixth Amendment right to counsel by excluding confessions from evidence at trial that were made by a defendant when he was not allowed to talk to his attorney

before questioning ?

A. Escobedo v. Illinois

Q. What 1966 Supreme Court of the United States decision extended the Fifth Amendment right not to be compelled to be a witness against himself to the States, and required certain warnings be given to a person before in-custodial interrogation could take place if the State wished to use a confession that was obtained from that questioning in its case-in-chief ?

A. Miranda v. Arizona

GLOSSARY

The Bill of Rights--The first ten amendments to the constitution of the United States which were submitted to the American people for consideration and became effective in 1791. The Bill of Rights specifically enumerate rights of the people that could not be violated by the American federal government.

Black Letter Law--The majority rule. The general consensus on a legal issue.

Case or controversy–The phrase which indicates that there is an actual legal dispute over which the court called upon to rule can exercise jurisdiction. Courts are to only decide real cases and not give mere advisory opinions on legal questions.

Checks and Balances--A theory in American government that different branches of government in the United States, besides performing certain tasks, also help keep the other branches from exceeding their rightful authority.

Concurrence--A decision by a judge which agrees with the outcome of a case but which suggests another basis for the decision.

Constitution--The system of fundamental principles according to which a nation, state, or other body is governed.

De facto racial segregation–Racial segregation that occurs due to things such as housing patterns and not because segregation is required by law.

De jure racial segregation–Racial segregation that occurs because it is required by law.

Defamation, defamatory--Synonymous with libel, slander, and injurious to reputation. Words which produce a perceptible injury to the reputation of another. Defamation per se refers to words which by their nature and without proof of damage are held to injure the reputation of a person if believed.

Directed verdict--A full or partial verdict in a case entered by the judge because the evidence presented can legally support only the verdict directed by the judge.

Dissent–A disagreement by one or more of the judges of a court with the decision arrived at by the majority of the judges on a case.

Exclusionary rule–A rule whereby evidence that is gained in violation of law by the state may be excluded from evidence in prosecution of the person whose rights were violated.

Fifteenth Amendment–One of the "Civil War Amendments" (See also the Thirteenth and Fourteenth Amendments) which were passed to protect the rights of newly freed black slaves. The Fifteenth Amendment dealt with the right to vote.

Fifth Amendment–A provision of our Bill of Rights which deals with a number of rights we have concerning criminal prosecutions and other government attempts to deprive persons of life, liberty or property.

First Amendment--The first amendment to the United States Constitution in the Bill of Rights. It deals with freedom of religion, speech, press, assembly and the right to peaceably assemble and petition the government for a redress of grievance (receive satisfaction for an injury sustained).

Fourteenth Amendment--One of the "Civil War Amendments," (See also the Thirteenth and Fifteenth Amendments) it was enacted in 1868 and, among other things, forbade the individual states from denying U.S. citizens basic rights, such as their privileges and immunities as citizens. It also specifically forbade any state depriving any person of life, liberty or property, without due process of law, or denying equal protection of the laws to any person within its jurisdiction.

Fourth Amendment–One of the provisions in our Bill of Rights which deals with the right of the people to be free of unreasonable searches and seizures.

Incorporation doctrine--The constitutional theory that the Fourteenth Amendment "incorporates" many, if not all, of the rights in the Bill of Rights so that they also apply to protection from actions of State governments.

Jurisdiction–The authority by which courts can hear and decide cases.

Libel--Written defamation. Seditious libel was defined in English law as words intended to cause "disaffection against the king or the government and constitution as by law established, or either house of parliament, or the administration of justice . . ." Laws against "seditious libel" were intended to discourage any criticism of the government.

James Madison--The fourth president of the United States who has be called the "Father of the United States Constitution" for his heavy involvement in drafting it and obtaining its ratification. He was similarly a main draftsman of the Bill of Rights and the Virginia Resolutions, which opposed the Sedition Act of 1798.

Magna Carta--"The great charter." Forced on King John of England by the English barons in 1215, it contained many provisions to secure rights in many important areas and is justly regarded as the foundation of English constitutional liberty.

Malice--The intentional doing of a wrongful act without just cause or excuse, with an intent to inflict some kind of injury, or under circumstances where the law will imply an evil intent.

Marbury v. Madison--An 1803 U.S. Supreme Court decision which established what we call "judicial review." In the decision, written by Chief Justice John Marshall, the principle was declared that the Supreme Court of the United states has the authority to interpret what the U.S. Constitution means, even if this interpretation differs from that held by the President, the Congress of the United States, or a state government.

Precedent–An adjudicated case or decision of a court that is believed to provide a basis for deciding an identical or similar question of law. (See, stare decisis.)

Qualified Privilege--Also known as a conditional privilege; not an absolute privilege. In libel and slander law a qualified privilege allows full freedom to speak or write, even if there are errors in what is presented, as long as certain conditions are met.

Sedition Act of 1798--A federal law passed in the United States which allowed for the punishment of newspaper editors and others who severely criticized the U.S. government and its officials. The Act expired in 1801 after a number of persons had been convicted under it. President Thomas Jefferson pardoned all who had been convicted under it. The act was probably unconstitutional.

Separate but equal–The phrase used in the decision of Plessy v. Ferguson (1897) where the Supreme Court of the United States said certain public facilities and services could be segregated by race as long as they were separate but equal. However, the separate facilities provided were usually not equal. This was struck down as it applied to schools by Brown v. Board of Education (1954).

Separation of Powers--Like checks and balances, a theory of American government that the executive, legislative, and judicial branches are "co-equal" branches of government, each with its own powers that cannot be breached by the other branches. Exactly what the separate powers are is sometimes not clear.

Sixth Amendment–A provision of our Bill of Rights which allows a person to have a number of rights when accused of a crime, including the right to have assistance of counsel.

Stare decisis–A Latin term meaning to abide by, or adhere to, decided cases. (See, precedent.)

Thirteenth Amendment–One of the "Civil War Amendments," (See also the Fourteenth and Fifteenth Amendments) passed to protect the rights of newly freed black slaves. The Thirteenth Amendment abolished slavery.

The Virginia Resolutions--Formal arguments, largely drafted by James Madison, that challenged the Sedition Act of 1798 as being an unconstitutional violation of the First Amendment.

Writ of Certiorari--An order by which the Supreme Court of the United States directs that a case in a lower court be sent to the Supreme Court for consideration.

John Peter Zenger (1697-1749)--A New York newspaper publisher who was tried for seditious libel in 1735 for his criticism of the governor of New York who had been appointed the King. He was acquitted by a jury who refused to convict him although he

probably had violated a very strict British law which severely limited the criticism of royal authorities.