

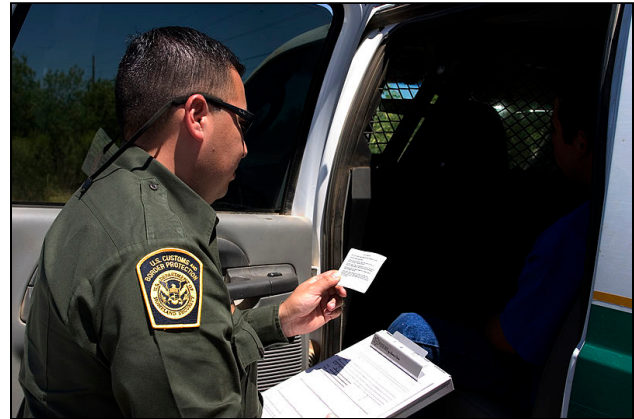
Name: _____ Class: _____

'You Have the Right to Remain Silent': A History of the Miranda Rights

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Can your rights protect you if you don't even know what they are? Supreme Court case Miranda v. Arizona answered that question by requiring police officers to read the "Miranda Rights" when making an arrest. This text will explain the court case, its impact on justice in America, and the details behind the phrase "you have the right to remain silent." As you read this text, take notes on the relationship between Miranda v. Arizona and the 5th and 6th Amendments.

- [1] You've probably heard police officers on television repeat the same line every single time they arrest someone: "You have the right to remain silent." Have you ever wondered why they always say this? As it turns out, all police officers in the country are required by law to say these words, which are called "Miranda Rights." They are named after a famous court case from 1966, *Miranda v. Arizona*.



"A U.S. Customs and Border Protection (CBP) Border Patrol agent reading the Miranda rights to a suspect" by Gerald L. Nino is in the public domain.

The Case

In 1966, an Arizona man named Ernesto Miranda was accused of kidnapping and assaulting a teenage girl. After a few hours of questioning, he confessed his guilt to a police officer. Later, during his trial, the prosecution¹ used his confession as evidence to convict him. When the court did find him guilty, his lawyers appealed the case.²

The case went all the way to the Supreme Court. The case related to the Constitution, because the 5th Amendment to the Constitution gives everyone the right to stay quiet when they are asked to confess a crime. Miranda's lawyers argued that Miranda did not know about this right, and therefore his testimony³ could not count as evidence in the trial.

The Result

Since Miranda did not know about his 5th Amendment rights, his confession could not be used against him, and the Supreme Court ruled in his favor. The official court decision was over 60 pages long, but Chief Justice Earl Warren read the whole thing out loud for the court. It had two parts:

1. The prosecution is the side of the case that accuses someone else of committing a crime.
2. In the United States court system, if someone does not agree with the outcome of a case, they can appeal, or ask a higher court to redo the trial.
3. a formal statement made by someone to the police, lawyers, or judge

- [5] First, after the police arrest someone, they have to tell that person that they have the right to remain silent, just as it is stated in the 5th Amendment.

Second, the police also have to tell that person they have the right to use a lawyer in the trial and any time prior to that, and that if they cannot afford a lawyer, the government will provide them with one. These rights are both found in the 6th Amendment.

This is why you always hear police officers reciting these important rights whenever they arrest someone. They are called “Miranda Rights” today, named after Ernesto Miranda himself.

Miranda Rights Today

The basic wording might sound familiar. “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be appointed to you. Do you understand these rights as I have read them to you?” However, there are actually over 945 versions of the Miranda Rights! Every state and county can have its own wording.

Not only that, but the Miranda Rights also have to be translated into many different languages, in case the police arrest someone who does not speak English. There are also simplified versions, because it is important for minors⁴ and the mentally disabled or mentally ill to understand their rights as well.

- [10] As it turns out, even 945 versions are not enough to make sure everyone understands what their rights really are. Some researchers have analyzed the wording of Miranda Rights from all over the country, and most versions are too complex for everyone to understand. Some are so complex, they are at the same reading level as a college accounting textbook!

It is extremely important that *everyone* can understand their right to remain silent and their right to be represented by a lawyer. The law says that, in order to use a suspect’s own confession against him, the court has to prove that the police read them their rights, they completely understood their rights, and that they chose to ignore those rights intentionally. The Constitution gave us these rights for a reason; make sure you understand them!

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4. people under the age of 18

Text-Dependent Questions

Directions: For the following questions, choose the best answer or respond in complete sentences.

1. PART A: Which TWO of the following best identify the central ideas of this text?
 - A. Not all murderers deserve to go to jail.
 - B. It is important to know and understand your rights because otherwise you can't use them.
 - C. According to the 5th Amendment of the Constitution, people can lie in court.
 - D. Police officers have the right not to tell the people they arrest their rights because people should know.
 - E. Miranda Rights are different in each state; some states did not even adopt them.
 - F. People do not have to say things that reveal their guilt when they are arrested.

2. PART B: Which TWO phrases from the text best support the answers to Part A?
 - A. "You've probably heard police officers on television repeat the same line every single time they arrest someone" (Paragraph 1)
 - B. "In 1966, an Arizona man named Ernesto Miranda was accused of kidnapping and raping a teenage girl" (Paragraph 2)
 - C. "Since Miranda did not know about his 5th Amendment rights, his confession could not be used against him, and the Supreme Court ruled in his favor." (Paragraph 4)
 - D. "First, after the police arrest someone, they have to tell that person that they have the right to remain silent, just as it is stated in the 5th Amendment." (Paragraph 5)
 - E. "there are actually over 945 versions of the Miranda Rights! Every state and county can have its own wording." (Paragraph 8)
 - F. The Constitution gave us these rights for a reason; make sure you understand them! (Paragraph 11)

3. PART A: What does the word "convict" most closely mean as it is used in paragraph 2?
 - A. A person who has committed a crime
 - B. Deceiving someone as a legal tactic
 - C. To take someone to court
 - D. To find guilty of a crime

4. PART B: Which phrase from the text best supports the answer to Part A?
 - A. "After a few hours of questioning, he confessed his guilt to a police officer" (Paragraph 2)
 - B. "the prosecution used his confession" (Paragraph 2)
 - C. "When the court did find him guilty," (Paragraph 2)
 - D. "his lawyers appealed the case" (Paragraph 2)

5. Explain the relationship between the 5th and 6th Amendments and *Miranda v. Arizona*. Cite evidence from the text in your response.
