

“YOU HAVE THE RIGHT TO REMAIN SILENT”



Most people have heard these words on television or in a movie when someone is being arrested: You have the right to remain silent.

Anything you say may be used against you in a court of law. You have the right to an attorney. If you cannot afford one, one will be appointed for you. Where do these words come from? Why are they so important?

The words come from U.S. Supreme Court case, *Miranda v. Arizona*, which was decided 50 years ago on June 13, 1966.

Ernesto Miranda was a poor man living in Phoenix, Arizona where he was arrested for a serious crime.

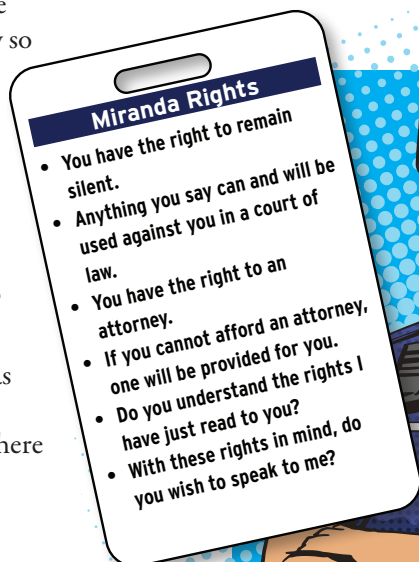
The police officers questioned him for two hours. At no time did they inform him that under the Fifth Amendment to the U.S.

Constitution he had the right to remain silent.

Miranda confessed in writing to the crimes and based on that confession he was found guilty and sentenced to prison.

Miranda appealed his case all the way to the Supreme Court of the United States where the Court decided that since Miranda was never told of his right to remain silent, nothing he told the police could be used in his trial.

Because of the Miranda case, now all law enforcement officers tell criminal suspects that they have the right to remain silent. They also tell them they have a Sixth Amendment right to have an attorney.



- 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 provided for you.
- Do you understand the rights I have just read to you?
- With these rights in mind, do you wish to speak to me?

It is important for an accused person to hear about these rights because in our system of government it is wrong for the police to force a confession from someone. It also is important that everyone knows that there is a constitutional right to a lawyer in criminal matters.

Note: Miranda was found guilty on retrial because of evidence other than his confession.

Learn More

1. Police officers, sheriffs, FBI agents and other law enforcement officials read the Miranda rights to any person they take in custody to make sure the person knows about his/her constitutional rights. Look through your newspaper and find other examples where law enforcement officers are doing things for their communities that are helpful and necessary for everyone's safety.
2. Look through your newspaper and find stories that are about various constitutional rights: Freedom of Expression (includes speech and writing), Freedom of Assembly, Freedom of Religion, Right to be free from unlawful searches and seizure (Fourth Amendment).

LEARNING STANDARDS:

- 1 Analyze laws, policies, and processes to determine how governmental systems affect individuals and groups in society.
- 2 Analyze the unique roles and responsibilities of the three branches of government to determine how they function and interact.
- 3 Analyze the causes and consequences of a specific issue tied to government as well as the challenges and opportunities faced by those trying to address the problem.

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