

MIRANDA

more than words

The Supreme Court case of *Miranda v. Arizona* was a consolidation of four different cases in which each defendant confessed guilt, three of them in writing, after being isolated and interrogated by law enforcement officials. None were given full and effective warning of their rights before or during interrogation.

The Court was asked to rule not on the defendants' guilt or innocence but rather on the fairness of the way the accused were treated. According to the Constitution, no person “**shall be compelled in any criminal case to be a witness against himself**” and everyone has the right to “**assistance of counsel**” in his or her criminal defense. These and other procedural rights of the accused are part of our constitutional protections against an overreaching government. But how do you assert these rights if you don't know about them in the first place?

Citing the coercive nature of custodial interrogation by police, Chief Justice Warren, writing for the Court's 5-4 majority in the *Miranda v. Arizona* decision, essentially established the Miranda warning. Over the past 50 years, it has been ingrained in law enforcement and popularized through constant inclusion in movies and television shows. We've all heard it and currently accept it as the standard.

But in 1966, the controversial Miranda decision was immediately disputed by police, prosecutors, politicians, and media. Law enforcement claimed Miranda would handcuff their investigative abilities. Congress attempted to legislate new laws to counter Miranda while newspaper editorials and political cartoons accused the Warren Court of coddling criminals and poked fun at the illogic of the resulting warning. After all, how can you “remain silent” when asked if you understand your rights or when requesting representation by an attorney?

Yes, we've all heard the Miranda warning but how much do we really understand? Join us over the next several days (weeks) as we dig deeper into the background, meaning, constitutional principles, rights and protections associated with this year's Law Day theme, **Miranda: More than Words.**

*Next installment: **You Have the Right to Remain Silent***