

## **The Miranda Warning**

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### **Introduction**

For even the most casual viewer of police television shows, the cry of “read me my rights” has been heard from the lips of accused criminals on many occasions. Beyond this statement lies an underlying story of - The Miranda Warning. Where this warning came from? What is its true meaning and intent? What the future should hold for The Miranda Warning? These are all pivotal questions which will be answered in the course of this research in order to better understand not only Miranda, but the overall American criminal justice system and its approach to the rights of those accused of crimes.

### **What is the Miranda Warning?**

We begin with the origins of The Miranda Warning itself. The actual verbiage of the warning needs to be understood. Originally the Miranda Warning came forth from the legal case of Ernesto Miranda, He was the focus of the 1963 Supreme Court Case *Miranda v. Arizona* (Lyman, 2004). Essentially, the facts of the case are as follows: Ernesto Miranda was arrested and accused of the rape of a mildly mentally handicapped woman. At the time of his arrest Miranda was not advised by the arresting officer that he had the Constitutional right to remain silent and could choose not to answer questions without an attorney present. He was also not informed of his right to not be forced to offer any information that would be used against him in any legal case in a court of law. Eventually Miranda’s attorney argued that Miranda’s confession to the crime should be thrown out of court, because it was obtained without Miranda being advised of his Constitutional rights. The original judge in the case denied this motion, but eventually the Supreme Court ruled that the statements that Miranda originally made to the police should be disregarded because he was not read his rights (Robertson, 1997). As a result of this pivotal ruling a standardized warning therein known as The Miranda Warning was instituted by all police and law enforcement agencies in the United States. The law required anyone

accused of a crime before being questioned be informed of their rights. The full text of the warning is as follows:

*“You have the right to remain silent and refuse to answer questions. Do you understand? Anything you do say may be used against you in a court of law. Do you understand? You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. Do you understand? If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand? If you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney. Do you understand? Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?”* (Robertson, 1997, p. 161)

Ultimately the warning was effectively made much shorter and easier for suspects to understand it was revised and presented as follows:

*“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 speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense.”* (Robertson, 1997, p. 162).

With The Miranda Warning having been refined and put in place, one would make the assumption that the rights of individuals are protected and the police are safeguarded against having key evidence dismissed on a technicality. Time has shown the opposite is actually the case. Further research has revealed pivotal issues surrounding The Miranda Warning...

**...References**

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