The Right to Remain Silent: Miranda v. Arizona
http://www.annenbergclassroom.org/page/the-right-to-remain-silent-miranda-v-arizona

This 25 minute video documentary from the Annenberg Classroom explores the landmark Supreme Court decision *Miranda v. Arizona* that said criminal suspects, at the time of their arrest but before any interrogation, must be told of their Fifth Amendment protection against self-incrimination and Sixth Amendment right to an attorney. The decision led to the familiar Miranda warning that begins "You have the right to remain silent..."

What Do You Think?

What is the importance of the Miranda warning?

A conversation starter from the Annenberg Classroom, September 17, 2013
http://www.annenbergclassroom.org/speakout/what-is-the-importance-of-the-miranda-warning-2

*You have the right to remain silent...*

You’re likely familiar with this opening line of the Miranda warning. Law enforcement officers are required to tell criminal suspects their constitutional rights at the time of their arrest and before they are questioned.

Here’s the rest of the Miranda warning: *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.*

Since 1966, when the Supreme Court in *Miranda v. Arizona* established guidelines for how detained suspects are informed of their constitutional rights, giving the Miranda warning has become standard practice for police. The warning includes parts of the Fifth Amendment (protection against self-incrimination) and the Sixth Amendment (a right to counsel).

The warning informs suspects who are being arrested and face questioning that they do not have to answer any questions from police, which sounds like a hindrance for police when trying to get someone to confess to a crime. But that is the point: It is up to the police to prove guilt, not for the defendant to prove innocence, and a confession is essentially all the state needs to proceed with a conviction. The Miranda warning informs the suspects that they do not need to confess, or talk at all for that matter. It is their constitutional right. For more about Miranda v. Arizona, watch the video *The Right to Remain Silent: Miranda v. Arizona*.

The Miranda warning recently has been in the news in a Kentucky school case and the Boston
Marathon bombing case. In Kentucky, the state Supreme Court decided whether the Miranda warning should be given to a student who is questioned by an assistant principal with a school officer in the room.

A student identified as N.C. was questioned in the assistant principal’s office about an empty prescription bottle labeled with his name that was found in a restroom. An armed deputy sheriff who served as the school resource officer was present. The student admitted that he brought the pain medication to school because he’d had his wisdom teeth removed and that he gave two pills to another student. The assistant principal told N.C. that he would be disciplined for violating school rules. The deputy sheriff said he also had violated state drug laws. N.C. entered a conditional guilty plea to illegally dispensing a controlled substance and was sentenced to 45 days in jail.

The state Supreme Court ruled that N.C.’s incriminating statement must be suppressed, or thrown out. The court said in *N.C. v. Commonwealth of Kentucky* that its decision focused on whether N.C. was considered to be custody at the time. Because he was questioned in a closed room with an armed officer, the court said, he clearly was in custody.

“No reasonable student, even the vast majority of 17-year-olds, would have believed that he was at liberty to remain silent or to leave,” the court said. It also said N.C. was under the impression that he was facing school discipline and was never told he faced criminal charges. The court added that Miranda rights don’t have to be read when only school discipline is involved.

Writing for the majority in the 4-3 vote, Justice Mary Noble acknowledged that the case presented “a conflict between “the rights of a juvenile accused of a crime and the needs of school officials to maintain order ... and protect other children.”

Justice Bill Cunningham, who dissented, said he was concerned that school safety would be affected because principals would avoid using security officers. “In this day and age, we should not be impairing school safety by the enlargement of rights of the students,” Cunningham said. He also disagreed that a student should be considered in custody just because he is questioned by a principal with a school officer present. His dissent argued that students “are always in custody” when they are in public schools and that school resource officers are more like school staff than traditional law enforcement officers.

A concurring opinion (written when justices agree with the majority but for different reasons) pointed out that, under the public-safety exception, students can be questioned without being Mirandized to find a gun that may have been left on school property. Last spring, federal investigators did not immediately inform Boston bombing suspect Dzhokhar Tsarnaev of his Miranda rights under the public-safety exception. That means law enforcement can question suspects without advising them their Miranda rights if it is believed they have information about an imminent threat to public safety. According to the Associated Press, Tsarnaev was eventually read his rights and he stopped answering questions.
What do you think?

Should N.C. have been read his Miranda rights? Was he “in custody” when he was questioned? How would you balance school safety concerns with a student’s constitutional rights? Should juveniles be treated differently from adults in criminal cases? Do you agree with the majority or the dissenting opinions, and why? Join the discussion!