



SPHERE

Fostering Civil Discourse and Diverse Viewpoints for Every Classroom

Miranda, Kerner, and Watts (Riot Control versus Provocation)

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GRADE LEVEL: 11TH-12TH GRADES

Overview

In this lesson, students will examine the role of Miranda rights in safeguarding individual civil liberties and rights.



Objectives

- Engage in visual literacy discussion
- Discuss civil rights and liberties afforded to individuals being arrested in the 1960s
- Analyze and evaluate the impacts of Miranda rights on constitutional civil liberties and rights

Materials

- Computer
- Optional printout of tables

Vocabulary

- Miranda rights
- Criminal procedure
- Fifth Amendment
- Civil liberties
- Civil rights

Prework

Recommended to have completed Lesson 1: The Boston Massacre and Due Process. Optional is also to read pages 80–105 of the Kerner Commission report.

Warm-Up (about 10 minutes)

Step 1: Describe to students that they will be using visual literacy skills to analyze what is happening in the following photographs.

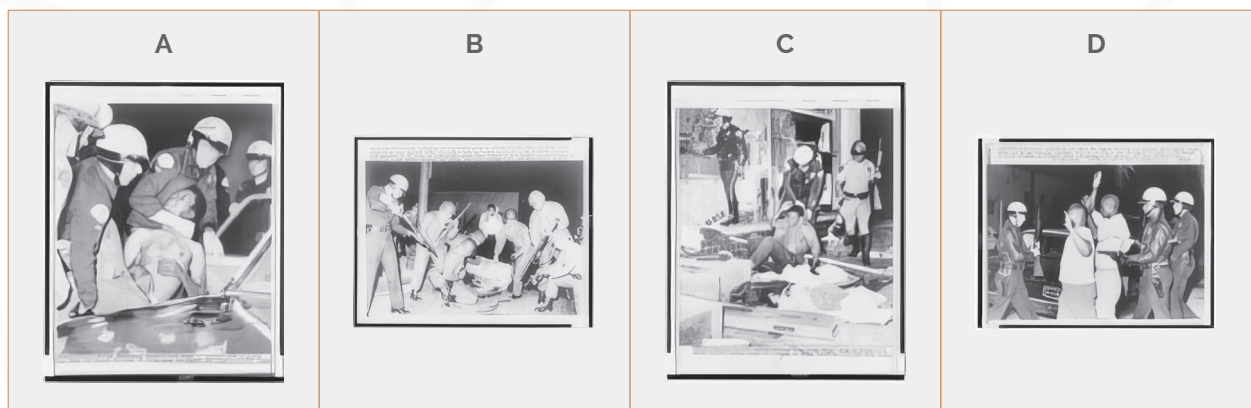


FIGURE 2: POLICE REMOVING BLACK DEMONSTRATORS SUSPECTED OF BREAKING THE LAW IN 1965 IN LOS ANGELES. (A) CARRYING SUSPECT INTO CAR, (B) POLICE AND NATIONAL GUARDSMEN WAITING AT A MANHOLE AFTER DROPPING TEAR GAS INSIDE, (C) DRAGGING A YOUNG MAN FROM A STOREFRONT, (D) MARCHING TWO MEN FROM THE LOS ANGELES BLACK MUSLIM MOSQUE.

FULL CITATIONS FOR PHOTOGRAPHS:

A. UNITED PRESS INTERNATIONAL, *LOS ANGELES POLICE HUSTLE RIOTER INTO CAR*, AUGUST 13, 1965, PHOTOGRAPH, LOS ANGELES, NEW YORK WORLD-TELEGRAM AND THE SUN NEWSPAPER PHOTOGRAPH COLLECTION.

B. UNITED PRESS INTERNATIONAL, *A HEAVILY ARMED GROUP OF POLICE AND NATIONAL GUARDSMEN STAND READY AT AN OPEN MANHOLE AFTER DROPPING A TEAR GAS SHELL INSIDE*, AUGUST 18, 1965, PHOTOGRAPH, LOS ANGELES, NEW YORK WORLD-TELEGRAM AND THE SUN NEWSPAPER PHOTOGRAPH COLLECTION.

C. UNITED PRESS INTERNATIONAL, *LOS ANGELES POLICE DRAG YOUNG NEGRO FROM FRONT OF A LOOTED STORE*, AUGUST 13, 1965, LOS ANGELES, NEW YORK WORLD-TELEGRAM AND THE SUN NEWSPAPER PHOTOGRAPH COLLECTION.

D. UNITED PRESS INTERNATIONAL, *POLICE MARCH TWO NEGROS FROM THE LOS ANGELES BLACK MUSLIM MOSQUE AFTER . . . WEEKLONG RACIAL UPRISING HAD BEEN DECLARED ENDED*, AUGUST 18, 1965, LOS ANGELES, NEW YORK WORLD-TELEGRAM AND THE SUN NEWSPAPER PHOTOGRAPH COLLECTION.

Step 2: Provide students with the table in Handout 1 to fill in their answers as to who, what, when, where, and why of what they think is happening in the pictures.

Step 3: Have students share as a class after they have had a few minutes to individually record their initial thoughts.

Step 4: Share that the photographs at the beginning of this lesson capture the abuses of a pre-Miranda rights world. Many individuals were denied adequate representation or bail. Writing for the majority in 1966, one year after the Watts riot/rebellion, US Supreme Court Chief Justice Earl Warren lauded the most fundamental of civil liberties in *Miranda v. Arizona*:

"The constitutional foundation underlying the privilege is the respect a government—state or federal—must accord to the dignity and integrity of its citizens. . . . To permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored."

Explain to students that they will examine the case of *Miranda v. Arizona* and how this became a pivotal discussion about constitutional civil liberties and rights.

Lesson Activities

ACTIVITY 1: THE KERNER COMMISSION REPORT (25 MINUTES)

Step 1: Read pages 4, 6, and 7 of the [Kerner Commission report](#) (1967), which was put together after riots took place in metropolitan areas around the country.

Step 2: As a class, have students turn to Chapter 2. *If you chose to have students read the chapter on their own, engage in a discussion with them about what they learned regarding what the government was concerned about, what was occurring, and the solutions being suggested at the time. Otherwise, have students learn about the chapter with you facilitating the discussion after going over the following summary.*

Summarize for students that in Chapter 2 the authors identify the following sequence:

“discrimination, prejudice, disadvantaged conditions, intense and pervasive grievances, a series of tension-heightening incidents.” This sequence culminates “in the eruption of disorder at the hands of youthful, politically-aware activists.”

Social and economic grievance is quickly reframed as political protest, and law enforcement action veers in the direction of quashing dissent. Trials in this reframed context place a spotlight on state action in the face of unlawful assembly and destruction of property.

Step 3: Pause here and ask students. What civil liberties and civil rights should alleged offenders receive?

After students engage in discussion, share that of particular interest is the Kerner report's account on the discriminatory administration of justice in the metropolitan areas that experienced civil disturbances:

“Eight of the prior incidents involved cases of allegedly discriminatory administration of justice. Typical was a case in Houston a month-and-a-half before the disorder. Three civil rights advocates were arrested for leading a protest and for their participation in organizing a boycott of classes at the predominantly Negro Texas Southern University. Bond was set at \$25,000 each. The court refused for several days to reduce bond, even though TSU officials dropped the charges they had originally pressed. There were no final incidents identified involving the administration of justice. In a unique case in New Haven, the shooting of a Puerto Rican by a white man was identified as the final incident before violence. Finally, we have noted a marked relationship between prior and final incidents within each city. In most of the cities surveyed, the final incident was of the same type as one or more of the prior incidents. For example, police actions were identified as both the final incident and one or more prior incidents preceding seven disturbances. Rallies or meetings to protest police actions involved in a prior incident were identified as the final incident preceding three additional disturbances. The cumulative reinforcement of grievances and heightening of tensions found in all instances were particularly evident in these cases.”

Adequate representation would require the introduction of evidence of police provocation as a precipitating factor for some of the arrests. Indigent defendants would be at a disadvantage were they to represent themselves in situations where their participation in a protest (that devolved into a riot) could not be contextualized. As we saw in the opening lesson on the complexities of the Boston Massacre, unlawful assembly can quickly escalate into widespread violence against persons and property, with multiple innocent bystanders caught in the rapid sweep of events.

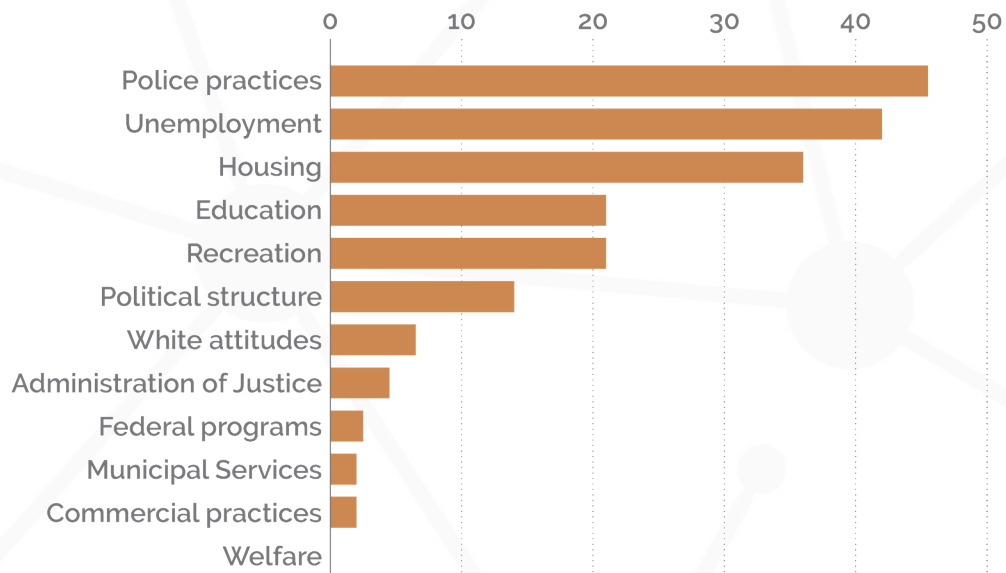
Our focus next shifts to the prioritization of grievances as represented by these charts on page 100 of the Kerner report to highlight the perception of a link between police practices and the intensity of civil disorder that resulted in mass arrests.

PART 1—WEIGHTED COMPARISON OF GRIEVANCE CATEGORIES

	1st place (4 points)		2nd place (3 points)		3d place (2 points)		4th place (1 point)		Total	
	Cities	Points	Cities	Points	Cities	Points	Cities	Points	Cities	Points
Police practices	8	31.5	4	12	0	0	2	2	14	45.5
Unemployment and underemployment	3	11	7	21	4	7	3	3	17	42
Inadequate housing	5	18.5	2	6	5	9.5	2	2	14	36
Inadequate education	2	8	2	6	2	4	3	3	9	21
Poor recreation facilities	3	11	1	2.5	4	7.5	0	0	8	21
Political structure and grievance mechanism	2	3	1	3	1	2	1	1	5	14
White attitudes	0	0	1	3	1	1.5	2	2	4	6.5
Administration of justice	0	0	0	0	2	3.5	1	1	3	4.5
Federal programs	0	0	1	2.5	0	0	0	0	1	2.5
Municipal services	0	0	0	0	1	2	0	0	1	2
Consumer and credit practices	0	0	0	0	0	0	2	2	2	2
Welfare	0	0	0	0	0	0	0	0	0	0

THE TOTAL OF POINTS FOR EACH CATEGORY IS THE PRODUCT OF THE NUMBER OF CITIES TIMES THE NUMBER OF POINTS INDICATED AT THE TOP OF EACH DOUBLE COLUMN, EXCEPT WHERE TWO GRIEVANCES WERE JUDGED EQUALLY SERIOUS IN THESE CASES THE TOTAL POINTS FOR THE TWO RANKINGS INVOLVED WERE DIVIDED EQUALLY (E.G. IN CASE TWO WERE JUDGED EQUALLY SUITABLE FOR THE 1ST PRIORITY, THE TOTAL POINTS FOR 1ST AND 2ND WERE DIVIDED, AND EACH RECEIVED 3.5 POINTS).

PART 2—RESULT OF WEIGHTED COMPARISON IN PART 1*



*SEE RIGHT HAND CORNER OF PART 1

We return to the specific context of the Watts riot/rebellion with the closing activity and the closer examination of Bayard Rustin's *The Watts Manifesto and the McCone Report*.

Step 5: Revisit the question you prompted students with and ask them if any of their initial thoughts changed and how so.

ACTIVITY 2: *MIRANDA V. ARIZONA* (25 MINUTES OR LONGER BASED ON IF YOU HAVE A BLOCK SCHEDULE)

Step 1: Have students in pairs read *Miranda v. Arizona*.

Step 2: Ask students to fill out the case section in Handout 2.

Step 3: Engage students in a Socratic seminar about the following:

- Ask students how *Miranda v. Arizona* changed criminal procedure. What was the precedence set?
- How did the interpretation of civil rights and liberties afforded by the Constitution change over time through the ruling of this case?
- Circle back to the question during the first activity. What civil liberties and civil rights should alleged offenders receive? Has your opinion changed?

Optional Extension

Translate the Miranda warning into a foreign language of your choice using Google Translate. How often do you think suspects receive a Miranda warning in the language you chose?

A commonly used version of the

MIRANDA WARNING

1. You have the right to remain silent
 2. Anything you say can and will be used against you in a court of law.
 3. You have the right to an attorney.
 4. If you cannot afford an attorney, one will be appointed for you.
 5. 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.
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WAIVER

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

Handout 1

Picture	5W Analysis (who, what, when, where, why)
A	
B	
C	
D	

Handout 2

<i>Miranda v. Arizona</i>	
Constitutional question	
Precedence set	