

# Understanding *Garrity* Rights

CHRIS TRITICO  
TRITICO RAINEY, PLLC

ELLEN H. SPALDING  
KARCZEWSKI | BRADSHAW | SPALDING

## *Garrity v. New Jersey* , 385 U.S. 493 (1967)

- Police Officers questioned regarding fixing traffic tickets
- Choice between providing self-incriminating answers or removal from office
- Incriminating answers were used in subsequent criminal proceedings

## *Garrity v. New Jersey* (1967)

“The option to lose their means of livelihood or pay the penalty of self-incrimination is the antithesis of free choice to speak or to remain silent.”

*Garrity*, 385 U.S. at 497.

## *Garrity v. New Jersey* (1967)

- **Held:**
  - Statements made under threat of job termination amounts to **coercion**
  - Violates Fifth and Fourteenth Amendments
  - Any incriminating statements made under such threat may not be used in a subsequent criminal proceeding

## *Spevack v. Klein*, 385 U.S. 511 (1967)

- Attorney failed to:
  - Produce financial records responsive to a subpoena duces tecum
  - Testify at the judicial hearing
- Reason: It would likely incriminate him.
- NYSC Appellate Division disbarred attorney for invoking his 5<sup>th</sup> Amendment rights

## *Spevack v. Klein*, 385 U.S. 511 (1967)

“The threat of disbarment and the loss of professional standing, professional reputation, and of livelihood are powerful forms of compulsion to make a lawyer relinquish the privilege.”

*Spevack*, 385 U.S. at 516.

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"Garrity Rights in Investigations"