Understanding *Garrity* Rights

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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 5th 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.**

Title search: Understanding Garrity Rights

Also available as part of the eCourse
Employment Hot Topics in School Law: Mid-Year Reassignments and Pay Changes, Complaint Management, and Garrity Rights

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