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A Comprehensive Analysis of the History of Interrogation Law, with Some Shots Directed at Miranda v. Arizona

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BOOK REVIEW

A COMPREHENSIVE ANALYSIS OF THE HISTORY OF INTERROGATION LAW, WITH SOME SHOTS DIRECTED AT *MIRANDA V. ARIZONA*

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> To subject one without counsel to questioning which may and is intended to convict him, is a real peril to individual freedom. To bring in a lawyer means a real peril to solution of the crime, because, under our adversary system, he deems that his sole duty is to protect his client—guilty or innocent—and that in such a capacity he owes no duty whatever to help society solve its crime problem. Under this conception of criminal procedure, any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances.

—*Watts v. Indiana*, 388 U.S. 49, 59 (1949) (Opinion of Jackson, J.)

> No other case comes to mind in which an administrative official is permitted the broad discretionary power assumed by the police interrogator, together with the power to prevent objective recordation of the facts. The absence of a record makes disputes inevitable about the conduct of the police and, sometimes, about what the prisoner has actually said. It is secrecy, not privacy, which accounts for the absence of

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